

# Senate File 2425 - Reprinted

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3297)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to and making appropriations for health and human  
2 services and including other related provisions and  
3 appropriations, providing penalties, making penalties  
4 applicable and providing effective, retroactive, and  
5 applicability date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 5002SV 82  
8 pf/jp/14

PAG LIN

1 1 DIVISION I  
1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS  
1 3 ELDER AFFAIRS  
1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is  
1 5 appropriated from the general fund of the state to the  
1 6 department of elder affairs for the fiscal year beginning July  
1 7 1, 2008, and ending June 30, 2009, the following amount, or so  
1 8 much thereof as is necessary, to be used for the purposes  
1 9 designated:  
1 10 For aging programs for the department of elder affairs and  
1 11 area agencies on aging to provide citizens of Iowa who are 60  
1 12 years of age and older with case management for the frail  
1 13 elderly only if the monthly cost per client for case  
1 14 management for the frail elderly services provided does not  
1 15 exceed an average of \$70, resident advocate committee  
1 16 coordination, employment, and other services which may include  
1 17 but are not limited to adult day services, respite care, chore  
1 18 services, telephone reassurance, information and assistance,  
1 19 and home repair services, and for the construction of entrance  
1 20 ramps which make residences accessible to the physically  
1 21 handicapped, and for salaries, support, administration,  
1 22 maintenance, and miscellaneous purposes, and for not more than  
1 23 the following full-time equivalent positions:  
1 24 ..... \$ 4,851,698  
1 25 ..... FTEs 40.50  
1 26 1. Funds appropriated in this section may be used to  
1 27 supplement federal funds under federal regulations. To  
1 28 receive funds appropriated in this section, a local area  
1 29 agency on aging shall match the funds with moneys from other  
1 30 sources according to rules adopted by the department. Funds  
1 31 appropriated in this section may be used for elderly services  
1 32 not specifically enumerated in this section only if approved  
1 33 by an area agency on aging for provision of the service within  
1 34 the area.  
1 35 2. Of the funds appropriated in this section, \$2,788,223  
2 1 shall be used for case management for the frail elderly. Of  
2 2 the funds allocated in this subsection, \$1,385,015 shall be  
2 3 transferred to the department of human services in equal  
2 4 amounts on a quarterly basis for reimbursement of case  
2 5 management services provided under the medical assistance  
2 6 elderly waiver. The department of human services shall adopt  
2 7 rules for case management services provided under the medical  
2 8 assistance elderly waiver in consultation with the department  
2 9 of elder affairs. The monthly cost per client for case  
2 10 management for the frail elderly services provided shall not  
2 11 exceed an average of \$70.  
2 12 3. Of the funds appropriated in this section, \$200,198  
2 13 shall be transferred to the department of economic development  
2 14 for the Iowa commission on volunteer services to be used for  
2 15 the retired and senior volunteer program.

2 16 4. Of the funds appropriated in this section, \$130,000  
2 17 shall be used to continue to fund additional long-term care  
2 18 resident's advocate positions.  
2 19 5. Of the funds appropriated in this section, \$250,000  
2 20 shall be used for continuation of the substitute decision  
2 21 maker Act pursuant to chapter 231E.

2 22 HEALTH

2 23 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is  
2 24 appropriated from the general fund of the state to the  
2 25 department of public health for the fiscal year beginning July  
2 26 1, 2008, and ending June 30, 2009, the following amounts, or  
2 27 so much thereof as is necessary, to be used for the purposes  
2 28 designated:

2 29 1. ADDICTIVE DISORDERS

2 30 For reducing the prevalence of use of tobacco, alcohol, and  
2 31 other drugs, and treating individuals affected by addictive  
2 32 behaviors, including gambling, and for not more than the  
2 33 following full-time equivalent positions:

2 34 ..... \$ 1,532,149  
2 35 ..... FTEs 6.00

3 1 The requirement of section 123.53, subsection 3, is met by  
3 2 the appropriations made in this Act for purposes of addictive  
3 3 disorders for the fiscal year beginning July 1, 2008.

3 4 2. HEALTHY CHILDREN AND FAMILIES

3 5 For promoting the optimum health status for children,  
3 6 adolescents from birth through 21 years of age, and families,  
3 7 and for not more than the following full-time equivalent  
3 8 positions:

3 9 ..... \$ 2,636,913  
3 10 ..... FTEs 16.00

3 11 a. Of the funds appropriated in this subsection, not more  
3 12 than \$645,917 shall be used for the healthy opportunities to  
3 13 experience success (HOPES)=healthy families Iowa (HFI) program  
3 14 established pursuant to section 135.106. The department shall  
3 15 transfer the funding allocated for the HOPES=HFI program to  
3 16 the Iowa empowerment board for distribution and shall assist  
3 17 the board in managing the contracting for the funding. The  
3 18 funding shall be distributed to renew the grants that were  
3 19 provided to the grantees that operated the program during the  
3 20 fiscal year ending June 30, 2008.

3 21 b. Of the funds appropriated in this subsection, \$325,000  
3 22 shall be used to continue to address the healthy mental  
3 23 development of children from birth through five years of age  
3 24 through local evidence-based strategies that engage both the  
3 25 public and private sectors in promoting healthy development,  
3 26 prevention, and treatment for children.

3 27 c. Of the funds appropriated in this subsection, \$100,000  
3 28 is allocated for distribution to the children's hospital of  
3 29 Iowa mother's milk bank.

3 30 d. Of the funds appropriated in this subsection, \$40,000  
3 31 shall be distributed to a statewide dental carrier to provide  
3 32 funds to continue the donated dental services program  
3 33 patterned after the projects developed by the national  
3 34 foundation of dentistry for the handicapped to provide dental  
3 35 services to indigent elderly and disabled individuals.

4 1 e. Of the funds appropriated in this subsection, \$100,000  
4 2 shall be transferred to the university of Iowa college of  
4 3 dentistry for provision of primary dental services to  
4 4 children. State funds shall be matched on a dollar-for-dollar  
4 5 basis. The university of Iowa college of dentistry shall  
4 6 coordinate efforts with the department of public health bureau  
4 7 of oral health to provide dental care to underserved  
4 8 populations throughout the state.

4 9 f. The department shall consult with other agencies  
4 10 involved with provision of health-related services to children  
4 11 and with legislators, providers, advocates, and other  
4 12 stakeholders in performing a study of services and other  
4 13 support promoting healthy kids.

4 14 3. CHRONIC CONDITIONS

4 15 For serving individuals identified as having chronic  
4 16 conditions or special health care needs, and for not more than  
4 17 the following full-time equivalent positions:

4 18 ..... \$ 2,242,840  
4 19 ..... FTEs 5.00

4 20 a. Of the funds appropriated in this subsection, \$100,000  
4 21 shall be used for grants to individual patients who have  
4 22 phenylketonuria (PKU) to assist with the costs of necessary  
4 23 special foods.

4 24 b. Of the funds appropriated in this subsection, \$500,000  
4 25 is allocated for continuation of the contracts for resource  
4 26 facilitator services in accordance with section 135.22B,

4 27 subsection 10, and for brain injury training services and  
4 28 recruiting of service providers to increase the capacity  
4 29 within this state to address the needs of individuals with  
4 30 brain injuries and such individuals' families.

4 31 4. COMMUNITY CAPACITY  
4 32 For strengthening the health care delivery system at the  
4 33 local level, and for not more than the following full-time  
4 34 equivalent positions:

4 35	.....	\$	1,760,532
5 1	.....	FTEs	12.00

5 2 a. Of the funds appropriated in this subsection, \$100,000  
5 3 is allocated for a child vision screening program implemented  
5 4 through the university of Iowa hospitals and clinics in  
5 5 collaboration with community empowerment areas.

5 6 b. Of the funds appropriated in this subsection, \$159,700  
5 7 is allocated for an initiative implemented at the university  
5 8 of Iowa and \$140,300 is allocated for an initiative at the  
5 9 state mental health institute at Cherokee to expand and  
5 10 improve the workforce engaged in mental health treatment and  
5 11 services. The initiatives shall receive input from the  
5 12 university of Iowa, the department of human services, the  
5 13 department of public health, and the mental health, mental  
5 14 retardation, developmental disabilities, and brain injury  
5 15 commission to address the focus of the initiatives. The  
5 16 department of human services, the department of public health,  
5 17 and the commission shall receive regular updates concerning  
5 18 the status of the initiatives.

5 19 5. ELDERLY WELLNESS  
5 20 For promotion of healthy aging and optimization of the  
5 21 health of older adults:

5 22	.....	\$	9,233,985
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5 23 6. ENVIRONMENTAL HAZARDS  
5 24 For reducing the public's exposure to hazards in the  
5 25 environment, primarily chemical hazards, and for not more than  
5 26 the following full-time equivalent positions:

5 27	.....	\$	747,960
5 28	.....	FTEs	2.00

5 29 Of the funds appropriated in this subsection, \$121,000  
5 30 shall be used for childhood lead poisoning provisions pursuant  
5 31 to sections 135.102 and 135.103.

5 32 7. INFECTIOUS DISEASES  
5 33 For reducing the incidence and prevalence of communicable  
5 34 diseases, and for not more than the following full-time  
5 35 equivalent positions:

6 1	.....	\$	1,701,974
6 2	.....	FTEs	7.00

6 3 a. Of the funds appropriated in this subsection, an  
6 4 increase of \$43,688 is provided for the purchasing of vaccines  
6 5 for immunizations.

6 6 b. Of the funds appropriated in this subsection, \$100,000  
6 7 shall be used to fund the position of bureau chief for the  
6 8 center for acute disease epidemiology (CADE).

6 9 8. PUBLIC PROTECTION  
6 10 For protecting the health and safety of the public through  
6 11 establishing standards and enforcing regulations, and for not  
6 12 more than the following full-time equivalent positions:

6 13	.....	\$	2,798,513
6 14	.....	FTEs	128.00

6 15 a. Of the funds appropriated in this subsection, \$643,500  
6 16 shall be credited to the emergency medical services fund  
6 17 created in section 135.25. Moneys in the emergency medical  
6 18 services fund are appropriated to the department to be used  
6 19 for the purposes of the fund.

6 20 b. Of the funds appropriated in this subsection, \$23,810  
6 21 shall be used for the office of the state medical examiner.

6 22 c. Of the funds appropriated in this subsection, \$150,000  
6 23 shall be used for management of the antiviral stockpile.

6 24 d. Of the funds appropriated in this subsection, \$100,000  
6 25 shall be used for sexual violence prevention programming  
6 26 through a statewide organization representing programs serving  
6 27 victims of sexual violence through the department's sexual  
6 28 violence prevention program. The amount allocated in this  
6 29 paragraph "d" shall not be used to supplant funding  
6 30 administered for other sexual violence prevention or victims  
6 31 assistance programs.

6 32 e. The department may incur expenses for start-up costs to  
6 33 implement licensing of plumbers and mechanical professionals  
6 34 in accordance with 2007 Iowa Acts, chapter 198, provided the  
6 35 amounts expended are covered by the close of the fiscal year  
7 1 through the repayment receipts from license fees.

7 2 9. RESOURCE MANAGEMENT

7 3 For establishing and sustaining the overall ability of the  
 7 4 department to deliver services to the public, and for not more  
 7 5 than the following full-time equivalent positions:  
 7 6 ..... \$ 1,205,933  
 7 7 ..... FTEs 10.00  
 7 8 Of the funds appropriated in this subsection, \$150,150  
 7 9 shall be used for administration of tobacco-related programs.  
 7 10 The university of Iowa hospitals and clinics under the  
 7 11 control of the state board of regents shall not receive  
 7 12 indirect costs from the funds appropriated in this section.  
 7 13 The university of Iowa hospitals and clinics billings to the  
 7 14 department shall be on at least a quarterly basis.  
 7 15 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION.  
 7 16 1. In lieu of the appropriation made in section 135.150,  
 7 17 subsection 1, there is appropriated from funds available in  
 7 18 the gambling treatment fund created in section 135.150 to the  
 7 19 department of public health for the fiscal year beginning July  
 7 20 1, 2008, and ending June 30, 2009, the following amount, or so  
 7 21 much thereof as is necessary, to be used for the purposes  
 7 22 designated:  
 7 23 To be utilized for the benefit of persons with addictive  
 7 24 disorders:  
 7 25 ..... \$ 4,678,000  
 7 26 a. It is the intent of the general assembly that from the  
 7 27 moneys appropriated in this subsection persons with a dual  
 7 28 diagnosis of substance abuse and gambling addictions shall be  
 7 29 given priority in treatment services. The amount appropriated  
 7 30 in this subsection includes moneys credited to the fund in  
 7 31 previous fiscal years.  
 7 32 b. Of the funds appropriated in this subsection, \$613,000  
 7 33 shall be used for tobacco use prevention, cessation, and  
 7 34 treatment.  
 7 35 2. The amount remaining in the gambling treatment fund  
 8 1 after the appropriation made in subsection 1 is appropriated  
 8 2 to the department to be used for funding of administrative  
 8 3 costs and to provide programs which may include but are not  
 8 4 limited to outpatient and follow-up treatment for persons  
 8 5 affected by problem gambling, rehabilitation and residential  
 8 6 treatment programs, information and referral services,  
 8 7 education and preventive services, and financial management  
 8 8 services. Of the amount appropriated in this subsection, up  
 8 9 to \$100,000 may be used for the licensing of gambling  
 8 10 treatment programs as provided in section 135.150.  
 8 11 DEPARTMENT OF VETERANS AFFAIRS  
 8 12 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is  
 8 13 appropriated from the general fund of the state to the  
 8 14 department of veterans affairs for the fiscal year beginning  
 8 15 July 1, 2008, and ending June 30, 2009, the following amounts,  
 8 16 or so much thereof as is necessary, to be used for the  
 8 17 purposes designated:  
 8 18 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION  
 8 19 For salaries, support, maintenance, and miscellaneous  
 8 20 purposes, including the war orphans educational assistance  
 8 21 fund created in section 35.8, and for not more than the  
 8 22 following full-time equivalent positions:  
 8 23 ..... \$ 1,163,457  
 8 24 ..... FTEs 17.20  
 8 25 Of the amount appropriated in this subsection, \$50,000 is  
 8 26 allocated for continuation of the veterans counseling program  
 8 27 established pursuant to section 35.12.  
 8 28 2. IOWA VETERANS HOME  
 8 29 For salaries, support, maintenance, and miscellaneous  
 8 30 purposes, and for not more than the following full-time  
 8 31 equivalent positions:  
 8 32 ..... \$ 12,694,154  
 8 33 ..... FTEs 951.95  
 8 34 The Iowa veterans home billings involving the department of  
 8 35 human services shall be submitted to the department on at  
 9 1 least a monthly basis.  
 9 2 If there is a change in the employer of employees providing  
 9 3 services at the Iowa veterans home under a collective  
 9 4 bargaining agreement, such employees and the agreement shall  
 9 5 be continued by the successor employer as though there had not  
 9 6 been a change in employer.  
 9 7 3. COUNTY GRANT PROGRAM FOR VETERANS  
 9 8 For providing grants to counties to provide services to  
 9 9 living veterans:  
 9 10 ..... \$ 600,000  
 9 11 The department shall establish or continue a grant  
 9 12 application process and shall require each county applying for  
 9 13 a grant to submit a plan for utilizing the grant for providing

9 14 services for living veterans. The maximum grant to be awarded  
9 15 to a county shall be \$10,000. Each county receiving a grant  
9 16 shall submit a report to the department identifying the impact  
9 17 of the grant on providing services to veterans as specified by  
9 18 the department. The department shall submit a report to the  
9 19 general assembly by October 1, 2008, concerning the impact of  
9 20 the grant program on services to veterans.

9 21 Notwithstanding section 8.33, moneys appropriated in this  
9 22 subsection that remain unencumbered or unobligated at the  
9 23 close of the fiscal year shall not revert to the fund from  
9 24 which appropriated but shall be credited to the veterans trust  
9 25 fund.

9 26 4. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED  
9 27 VETERANS

9 28 For provision of educational assistance pursuant to section  
9 29 35.9:

9 30 ..... \$ 27,000

9 31 HUMAN SERVICES

9 32 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

9 33 GRANT. There is appropriated from the fund created in section  
9 34 8.41 to the department of human services for the fiscal year  
9 35 beginning July 1, 2008, and ending June 30, 2009, from moneys  
10 1 received under the federal temporary assistance for needy  
10 2 families (TANF) block grant pursuant to the federal Personal  
10 3 Responsibility and Work Opportunity Reconciliation Act of  
10 4 1996, Pub. L. No. 104-193, and successor legislation, which  
10 5 are federally appropriated for the federal fiscal years  
10 6 beginning October 1, 2007, and ending September 30, 2008, and  
10 7 beginning October 1, 2008, and ending September 30, 2009, the  
10 8 following amounts, or so much thereof as is necessary, to be  
10 9 used for the purposes designated:

10 10 1. To be credited to the family investment program account  
10 11 and used for assistance under the family investment program  
10 12 under chapter 239B:

10 13 ..... \$ 26,101,513

10 14 2. To be credited to the family investment program account  
10 15 and used for the job opportunities and basic skills (JOBS)  
10 16 program and implementing family investment agreements in  
10 17 accordance with chapter 239B:

10 18 ..... \$ 13,334,528

10 19 Notwithstanding section 8.33, not more than 5 percent of  
10 20 the moneys designated in this subsection that are allocated by  
10 21 the department for contracted services, other than family  
10 22 self-sufficiency grant services allocated under this  
10 23 subsection, that remain unencumbered or unobligated at the  
10 24 close of the fiscal year shall not revert but shall remain  
10 25 available for expenditure for the purposes designated until  
10 26 the close of the succeeding fiscal year. However, unless such  
10 27 moneys are encumbered or obligated on or before September 30,  
10 28 2009, the moneys shall revert.

10 29 3. To be used for the family development and  
10 30 self-sufficiency grant program in accordance with 2008 Iowa  
10 31 Acts, House File 2328:

10 32 ..... \$ 2,998,675

10 33 4. For field operations:

10 34 ..... \$ 17,707,495

10 35 It is the intent of the general assembly that the  
11 1 department work with Indian tribes providing services under  
11 2 the federal Temporary Assistance for Needy Families block  
11 3 grant to Indians who reside in Iowa but live outside the  
11 4 reservation to establish a formula for providing match funding  
11 5 for the expenditures made by the tribes for such services.  
11 6 The department shall provide recommendations regarding  
11 7 implementation of the formula beginning in FY 2009-2010 to the  
11 8 governor and the persons designated by this Act to receive  
11 9 reports. For the purposes of this paragraph, "Indian",  
11 10 "reservation", and "Indian tribe" mean the same as defined in  
11 11 section 232B.3.

11 12 5. For general administration:

11 13 ..... \$ 3,744,000

11 14 6. For local administrative costs:

11 15 ..... \$ 2,189,830

11 16 7. For state child care assistance:

11 17 ..... \$ 27,886,177

11 18 a. Of the funds appropriated in this subsection,  
11 19 \$18,986,177 shall be transferred to the child care and  
11 20 development block grant appropriation made in 2008 Iowa Acts,  
11 21 Senate File 2286, if enacted, for the federal fiscal year  
11 22 beginning October 1, 2008, and ending September 30, 2009. Of  
11 23 this amount, \$200,000 shall be used for provision of  
11 24 educational opportunities to registered child care home

11 25 providers in order to improve services and programs offered by  
11 26 this category of providers and to increase the number of  
11 27 providers. The department may contract with institutions of  
11 28 higher education or child care resource and referral centers  
11 29 to provide the educational opportunities. Allowable  
11 30 administrative costs under the contracts shall not exceed 5  
11 31 percent. The application for a grant shall not exceed two  
11 32 pages in length.

11 33 b. Any funds appropriated in this subsection remaining  
11 34 unallocated shall be used for state child care assistance  
11 35 payments for individuals enrolled in the family investment  
12 1 program who are employed.

12 2 8. For mental health and developmental disabilities  
12 3 community services:

12 4 ..... \$ 4,894,052

12 5 9. For child and family services:  
12 6 ..... \$ 32,084,430

12 7 10. For child abuse prevention grants:  
12 8 ..... \$ 250,000

12 9 11. For pregnancy prevention grants on the condition that  
12 10 family planning services are funded:  
12 11 ..... \$ 1,930,067

12 12 Pregnancy prevention grants shall be awarded to programs in  
12 13 existence on or before July 1, 2008, if the programs are

12 14 comprehensive in scope and have demonstrated positive  
12 15 outcomes. Grants shall be awarded to pregnancy prevention  
12 16 programs which are developed after July 1, 2008, if the

12 17 programs are comprehensive in scope and are based on existing  
12 18 models that have demonstrated positive outcomes. Grants shall  
12 19 comply with the requirements provided in 1997 Iowa Acts,  
12 20 chapter 208, section 14, subsections 1 and 2, including the

12 21 requirement that grant programs must emphasize sexual  
12 22 abstinence. Priority in the awarding of grants shall be given  
12 23 to programs that serve areas of the state which demonstrate  
12 24 the highest percentage of unplanned pregnancies of females of  
12 25 childbearing age within the geographic area to be served by  
12 26 the grant.

12 27 12. For technology needs and other resources necessary to  
12 28 meet federal welfare reform reporting, tracking, and case  
12 29 management requirements:  
12 30 ..... \$ 1,037,186

12 31 13. For the healthy opportunities for parents to  
12 32 experience success (HOPES) program administered by the  
12 33 department of public health to target child abuse prevention:  
12 34 ..... \$ 200,000

12 35 14. To be credited to the state child care assistance  
13 1 appropriation made in this section to be used for funding of  
13 2 community-based early childhood programs targeted to children  
13 3 from birth through five years of age developed by community  
13 4 empowerment areas as provided in section 28.9:  
13 5 ..... \$ 7,350,000

13 6 The department shall transfer TANF block grant funding  
13 7 appropriated and allocated in this subsection to the child  
13 8 care and development block grant appropriation in accordance  
13 9 with federal law as necessary to comply with the provisions of  
13 10 this subsection.

13 11 15. For a pilot program established in one or more  
13 12 judicial districts, selected by the department and the  
13 13 judicial council, to provide employment and support services  
13 14 to delinquent child support obligors as an alternative to  
13 15 commitment to jail as punishment for contempt of court:  
13 16 ..... \$ 200,000

13 17 Of the amounts appropriated in this section, \$12,962,008  
13 18 for the fiscal year beginning July 1, 2008, shall be  
13 19 transferred to the appropriation of the federal social  
13 20 services block grant for that fiscal year.

13 21 The department may transfer funds allocated in this section  
13 22 to the appropriations in this Act for general administration  
13 23 and field operations for resources necessary to implement and  
13 24 operate the services referred to in this section and those  
13 25 funded in the appropriation made in this division of this Act  
13 26 for the family investment program from the general fund of the  
13 27 state.

13 28 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

13 29 1. Moneys credited to the family investment program (FIP)  
13 30 account for the fiscal year beginning July 1, 2008, and ending  
13 31 June 30, 2009, shall be used to provide assistance in  
13 32 accordance with chapter 239B.

13 33 2. The department may use a portion of the moneys credited  
13 34 to the FIP account under this section as necessary for  
13 35 salaries, support, maintenance, and miscellaneous purposes.

14 1 3. The department may transfer funds allocated in this  
14 2 section to the appropriations in this Act for general  
14 3 administration and field operations for resources necessary to  
14 4 implement and operate the services referred to in this section  
14 5 and those funded in the appropriation made in this division of  
14 6 this Act for the family investment program from the general  
14 7 fund of the state.

14 8 4. Moneys appropriated in this division of this Act and  
14 9 credited to the FIP account for the fiscal year beginning July  
14 10 1, 2008, and ending June 30, 2009, are allocated as follows:

14 11 a. To be retained by the department of human services to  
14 12 be used for coordinating with the department of human rights  
14 13 to more effectively serve participants in the FIP program and  
14 14 other shared clients and to meet federal reporting  
14 15 requirements under the federal temporary assistance for needy  
14 16 families block grant:

14 17 ..... \$ 20,000

14 18 b. To the department of human rights for staffing,  
14 19 administration, and implementation of the family development  
14 20 and self-sufficiency grant program in accordance with 2008  
14 21 Iowa Acts, House File 2328:

14 22 ..... \$ 5,563,042

14 23 (1) Of the funds allocated for the family development and  
14 24 self-sufficiency grant program in this lettered paragraph, not  
14 25 more than 5 percent of the funds shall be used for the  
14 26 administration of the grant program.

14 27 (2) The department of human rights may continue to  
14 28 implement the family development and self-sufficiency grant  
14 29 program statewide during fiscal year 2008=2009.

14 30 (3) Notwithstanding section 8.33, moneys allocated in this  
14 31 lettered paragraph that remain unencumbered or unobligated at  
14 32 the close of the fiscal year shall not revert but shall remain  
14 33 available for expenditure for the purposes designated until  
14 34 the close of the succeeding fiscal year.

14 35 c. For the diversion subaccount of the FIP account:

15 1 ..... \$ 2,814,000

15 2 (1) A portion of the moneys allocated for the subaccount  
15 3 may be used for field operations salaries, data management  
15 4 system development, and implementation costs and support  
15 5 deemed necessary by the director of human services in order to  
15 6 administer the FIP diversion program.

15 7 (2) Of the funds allocated in this lettered paragraph, not  
15 8 more than \$250,000 shall be used to develop or continue  
15 9 community-level parental obligation pilot projects. The  
15 10 requirements established under 2001 Iowa Acts, chapter 191,  
15 11 section 3, subsection 5, paragraph "c", subparagraph (3),  
15 12 shall remain applicable to the parental obligation pilot  
15 13 projects for fiscal year 2008=2009. Notwithstanding 441 IAC  
15 14 100.8, providing for termination of rules relating to the  
15 15 pilot projects the earlier of October 1, 2006, or when  
15 16 legislative authority is discontinued, the rules relating to  
15 17 the pilot projects shall remain in effect until June 30, 2009.

15 18 d. For the food stamp employment and training program:

15 19 ..... \$ 68,059

15 20 e. For the JOBS program:

15 21 ..... \$ 22,310,116

15 22 5. Of the child support collections assigned under FIP, an  
15 23 amount equal to the federal share of support collections shall  
15 24 be credited to the child support recovery appropriation. Of  
15 25 the remainder of the assigned child support collections  
15 26 received by the child support recovery unit, a portion shall  
15 27 be credited to the FIP account, a portion may be used to  
15 28 increase recoveries, and a portion may be used to sustain cash  
15 29 flow in the child support payments account. If as a result  
15 30 the appropriations allocated in this section are insufficient  
15 31 to sustain cash assistance payments and meet federal  
15 32 maintenance of effort requirements, the department shall seek  
15 33 supplemental funding. If child support collections assigned  
15 34 under FIP are greater than estimated or are otherwise  
15 35 determined not to be required for maintenance of effort, the  
16 1 state share of either amount may be transferred to or retained  
16 2 in the child support payment account.

16 3 6. The department may adopt emergency rules for the family  
16 4 investment, JOBS, family development and self-sufficiency  
16 5 grant, food stamp, and medical assistance programs if  
16 6 necessary to comply with federal requirements.

16 7 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is  
16 8 appropriated from the general fund of the state to the  
16 9 department of human services for the fiscal year beginning  
16 10 July 1, 2008, and ending June 30, 2009, the following amount,  
16 11 or so much thereof as is necessary, to be used for the purpose

16 12 designated:

16 13 To be credited to the family investment program (FIP)

16 14 account and used for family investment program assistance

16 15 under chapter 239B:

16 16 ..... \$ 42,675,127

16 17 1. Of the funds appropriated in this section, \$8,975,588

16 18 is allocated for the JOBS program.

16 19 2. Of the funds appropriated in this section, \$2,584,367

16 20 is allocated for the family development and self-sufficiency

16 21 grant program.

16 22 3. a. Of the funds appropriated in this section, \$250,000

16 23 shall be used for a grant to an Iowa-based nonprofit

16 24 organization with a history of providing tax preparation

16 25 assistance to low-income Iowans in order to expand the usage

16 26 of the earned income tax credit. The purpose of the grant is

16 27 to supply this assistance to underserved areas of the state.

16 28 The grant shall be provided to an organization that has

16 29 existing national foundation support for supplying such

16 30 assistance that can also secure local charitable match

16 31 funding.

16 32 b. The general assembly supports efforts by the

16 33 organization receiving funding under this subsection to create

16 34 a statewide earned income tax credit and asset-building

16 35 coalition to achieve both of the following purposes:

17 1 (1) Expanding the usage of the tax credit through new and

17 2 enhanced outreach and marketing strategies, as well as

17 3 identifying new local sites and human and financial resources.

17 4 (2) Assessing and recommending various strategies for

17 5 Iowans to develop assets through savings, individual

17 6 development accounts, financial literacy, antipredatory

17 7 lending initiatives, informed home ownership, use of various

17 8 forms of support for work, and microenterprise business

17 9 development targeted to persons who are self-employed or have

17 10 fewer than five employees.

17 11 4. Notwithstanding section 8.39, for the fiscal year

17 12 beginning July 1, 2008, if necessary to meet federal

17 13 maintenance of effort requirements or to transfer federal

17 14 temporary assistance for needy families block grant funding to

17 15 be used for purposes of the federal social services block

17 16 grant or to meet cash flow needs resulting from delays in

17 17 receiving federal funding or to implement, in accordance with

17 18 this division of this Act, activities currently funded with

17 19 juvenile court services, county, or community moneys and state

17 20 moneys used in combination with such moneys, the department of

17 21 human services may transfer funds within or between any of the

17 22 appropriations made in this division of this Act and

17 23 appropriations in law for the federal social services block

17 24 grant to the department for the following purposes, provided

17 25 that the combined amount of state and federal temporary

17 26 assistance for needy families block grant funding for each

17 27 appropriation remains the same before and after the transfer:

17 28 a. For the family investment program.

17 29 b. For child care assistance.

17 30 c. For child and family services.

17 31 d. For field operations.

17 32 e. For general administration.

17 33 f. MH/MR/DD/BI community services (local purchase).

17 34 This subsection shall not be construed to prohibit the use

17 35 of existing state transfer authority for other purposes. The

18 1 department shall report any transfers made pursuant to this

18 2 subsection to the legislative services agency.

18 3 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated

18 4 from the general fund of the state to the department of human

18 5 services for the fiscal year beginning July 1, 2008, and

18 6 ending June 30, 2009, the following amount, or so much thereof

18 7 as is necessary, to be used for the purposes designated:

18 8 For child support recovery, including salaries, support,

18 9 maintenance, and miscellaneous purposes, and for not more than

18 10 the following full-time equivalent positions:

18 11 ..... \$ 14,951,757

18 12 ..... FTEs 515.00

18 13 1. The department shall expend up to \$31,000, including

18 14 federal financial participation, for the fiscal year beginning

18 15 July 1, 2008, for a child support public awareness campaign.

18 16 The department and the office of the attorney general shall

18 17 cooperate in continuation of the campaign. The public

18 18 awareness campaign shall emphasize, through a variety of media

18 19 activities, the importance of maximum involvement of both

18 20 parents in the lives of their children as well as the

18 21 importance of payment of child support obligations.

18 22 2. Federal access and visitation grant moneys shall be

18 23 issued directly to private not-for-profit agencies that  
18 24 provide services designed to increase compliance with the  
18 25 child access provisions of court orders, including but not  
18 26 limited to neutral visitation sites and mediation services.

18 27 3. The appropriation made to the department for child  
18 28 support recovery may be used throughout the fiscal year in the  
18 29 manner necessary for purposes of cash flow management, and for  
18 30 cash flow management purposes the department may temporarily  
18 31 draw more than the amount appropriated, provided the amount  
18 32 appropriated is not exceeded at the close of the fiscal year.

18 33 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from  
18 34 the general fund of the state to the department of human  
18 35 services for the fiscal year beginning July 1, 2008, and  
19 1 ending June 30, 2009, the following amount, or so much thereof

19 2 as is necessary, to be used for the purpose designated:

19 3 For medical assistance reimbursement and associated costs  
19 4 as specifically provided in the reimbursement methodologies in  
19 5 effect on June 30, 2008, except as otherwise expressly  
19 6 authorized by law, including reimbursement for abortion  
19 7 services which shall be available under the medical assistance  
19 8 program only for those abortions which are medically  
19 9 necessary:

19 10 ..... \$646,401,453

19 11 1. Medically necessary abortions are those performed under  
19 12 any of the following conditions:

19 13 a. The attending physician certifies that continuing the  
19 14 pregnancy would endanger the life of the pregnant woman.

19 15 b. The attending physician certifies that the fetus is  
19 16 physically deformed, mentally deficient, or afflicted with a  
19 17 congenital illness.

19 18 c. The pregnancy is the result of a rape which is reported  
19 19 within 45 days of the incident to a law enforcement agency or  
19 20 public or private health agency which may include a family  
19 21 physician.

19 22 d. The pregnancy is the result of incest which is reported  
19 23 within 150 days of the incident to a law enforcement agency or  
19 24 public or private health agency which may include a family  
19 25 physician.

19 26 e. Any spontaneous abortion, commonly known as a  
19 27 miscarriage, if not all of the products of conception are  
19 28 expelled.

19 29 2. The department shall utilize not more than \$60,000 of  
19 30 the funds appropriated in this section to continue the  
19 31 AIDS/HIV health insurance premium payment program as  
19 32 established in 1992 Iowa Acts, Second Extraordinary Session,  
19 33 chapter 1001, section 409, subsection 6. Of the funds  
19 34 allocated in this subsection, not more than \$5,000 may be  
19 35 expended for administrative purposes.

20 1 3. Of the funds appropriated in this Act to the department  
20 2 of public health for addictive disorders, \$950,000 for the  
20 3 fiscal year beginning July 1, 2008, shall be transferred to  
20 4 the department of human services for an integrated substance  
20 5 abuse managed care system. The department shall not assume  
20 6 management of the substance abuse system in place of the  
20 7 managed care contractor unless such a change in approach is  
20 8 specifically authorized in law. The departments of human  
20 9 services and public health shall work together to maintain the  
20 10 level of mental health and substance abuse services provided  
20 11 by the managed care contractor through the Iowa plan for  
20 12 behavioral health. Each department shall take the steps  
20 13 necessary to continue the federal waivers as necessary to  
20 14 maintain the level of services.

20 15 4. a. The department shall aggressively pursue options  
20 16 for providing medical assistance or other assistance to  
20 17 individuals with special needs who become ineligible to  
20 18 continue receiving services under the early and periodic  
20 19 screening, diagnosis, and treatment program under the medical  
20 20 assistance program due to becoming 21 years of age who have  
20 21 been approved for additional assistance through the  
20 22 department's exception to policy provisions, but who have  
20 23 health care needs in excess of the funding available through  
20 24 the exception to policy provisions.

20 25 b. Of the funds appropriated in this section, \$100,000  
20 26 shall be used for participation in one or more pilot projects  
20 27 operated by a private provider to allow the individual or  
20 28 individuals to receive service in the community in accordance  
20 29 with principles established in *Olmstead v. L.C.*, 527 U.S. 581  
20 30 (1999), for the purpose of providing medical assistance or  
20 31 other assistance to individuals with special needs who become  
20 32 ineligible to continue receiving services under the early and  
20 33 periodic screening, diagnosis, and treatment program under the

20 34 medical assistance program due to becoming 21 years of age who  
20 35 have been approved for additional assistance through the  
21 1 department's exception to policy provisions, but who have  
21 2 health care needs in excess of the funding available through  
21 3 the exception to the policy provisions.

21 4 5. Of the funds appropriated in this section, up to  
21 5 \$3,050,082 may be transferred to the field operations or  
21 6 general administration appropriations in this Act for  
21 7 operational costs associated with Part D of the federal  
21 8 Medicare Prescription Drug, Improvement, and Modernization Act  
21 9 of 2003, Pub. L. No. 108=173.

21 10 6. In addition to any other funds appropriated in this  
21 11 Act, of the funds appropriated in this section, \$250,000 shall  
21 12 be used for the grant to the Iowa healthcare collaborative as  
21 13 defined in section 135.40.

21 14 7. Of the funds appropriated in this section, not more  
21 15 than \$166,600 shall be used to enhance outreach efforts. The  
21 16 department may transfer funds allocated in this subsection to  
21 17 the appropriations in this division of this Act for general  
21 18 administration, the state children's health insurance program,  
21 19 or medical contracts, as necessary, to implement the outreach  
21 20 efforts.

21 21 8. Of the funds appropriated in this section, up to  
21 22 \$442,100 may be transferred to the appropriation in this Act  
21 23 for medical contracts to be used for clinical assessment  
21 24 services related to remedial services in accordance with  
21 25 federal law.

21 26 9. Of the funds appropriated in this section, \$1,143,522  
21 27 may be used for the demonstration to maintain independence and  
21 28 employment (DMIE) if the waiver for DMIE is approved by the  
21 29 centers for Medicare and Medicaid services of the United  
21 30 States department of health and human services. Additionally,  
21 31 if the waiver is approved, \$440,000 of the funds shall be  
21 32 transferred to the department of corrections for DMIE  
21 33 activities.

21 34 10. The drug utilization review commission shall monitor  
21 35 the smoking cessation benefit provided under the medical  
22 1 assistance program and shall provide a report of utilization,  
22 2 client success, cost-effectiveness, and recommendations for  
22 3 any changes in the benefit to the persons designated in this  
22 4 Act to receive reports by January 15, 2009. If a prescriber  
22 5 determines that all smoking cessation aids on the preferred  
22 6 drug list are not effective or medically appropriate for a  
22 7 patient, the prescriber may apply for an exception to policy  
22 8 for another product approved by the United States food and  
22 9 drug administration for smoking cessation pursuant to 441 IAC  
22 10 1.8(1).

22 11 11. A portion of the funds appropriated in this section  
22 12 may be transferred to the appropriations in this division of  
22 13 this Act for general administration, medical contracts, the  
22 14 state children's health insurance program, or field operations  
22 15 to be used for the state match cost to comply with the payment  
22 16 error rate measurement (PERM) program for both the medical  
22 17 assistance and state children's health insurance programs as  
22 18 developed by the centers for Medicare and Medicaid services of  
22 19 the United States department of health and human services to  
22 20 comply with the federal Improper Payments Information Act of  
22 21 2002, Pub. L. No. 107=300.

22 22 12. It is the intent of the general assembly that the  
22 23 department implement the recommendations of the assuring  
22 24 better child health and development initiative II (ABCDII)  
22 25 clinical panel to the Iowa early and periodic screening,  
22 26 diagnostic, and treatment services healthy mental development  
22 27 collaborative board regarding changes to billing procedures,  
22 28 codes, and eligible service providers.

22 29 13. Of the funds appropriated in this section, a  
22 30 sufficient amount is allocated to supplement the incomes of  
22 31 residents of nursing facilities, intermediate care facilities  
22 32 for persons with mental illness, and intermediate care  
22 33 facilities for persons with mental retardation, with incomes  
22 34 of less than \$50 in the amount necessary for the residents to  
22 35 receive a personal needs allowance of \$50 per month pursuant  
23 1 to section 249A.30A.

23 2 14. Of the funds appropriated in this section, the  
23 3 following amounts shall be transferred to appropriations made  
23 4 in this division of this Act to the state mental health  
23 5 institutes:

23 6	a. Cherokee mental health institute .....	\$ 5,933,659
23 7	b. Clarinda mental health institute .....	\$ 1,289,526
23 8	c. Independence mental health institute .....	\$ 5,899,400
23 9	d. Mount Pleasant mental health institute ....	\$ 3,751,626

23 10 15. a. Of the funds appropriated in this section,  
23 11 \$2,753,055 is allocated for state match for disproportionate  
23 12 share hospital payment of \$7,321,954 to hospitals that meet  
23 13 both of the following conditions:

23 14 (1) The hospital qualifies for disproportionate share and  
23 15 graduate medical education payments.

23 16 (2) The hospital is an Iowa state-owned hospital with more  
23 17 than 500 beds and eight or more distinct residency specialty  
23 18 or subspecialty programs recognized by the American college of  
23 19 graduate medical education.

23 20 b. Distribution of the disproportionate share payment  
23 21 shall be made on a monthly basis. The total amount of  
23 22 disproportionate share payments including graduate medical  
23 23 education, enhanced disproportionate share, and Iowa  
23 24 state-owned teaching hospital payments shall not exceed the  
23 25 amount of the state's allotment under Pub. L. No. 102=234. In  
23 26 addition, the total amount of all disproportionate share  
23 27 payments shall not exceed the hospital-specific  
23 28 disproportionate share limits under Pub. L. No. 103=66.

23 29 16. Of the funds appropriated in this section, \$4,568,899  
23 30 is transferred to the IowaCare account created in section  
23 31 249J.24.

23 32 17. Of the funds appropriated in this section, \$250,000  
23 33 shall be used for the Iowa chronic care consortium pursuant to  
23 34 2003 Iowa Acts, chapter 112, section 12, as amended by 2003  
23 35 Iowa Acts, chapter 179, sections 166 and 167.

24 1 18. The department shall implement cost-saving initiatives  
24 2 including implementing a surcharge for claims filed on paper  
24 3 when electronic filing is available and collecting a  
24 4 supplemental rebate for diabetic supplies.

24 5 19. One hundred percent of the nonfederal share of  
24 6 payments to area education agencies that are medical  
24 7 assistance providers for medical assistance-covered services  
24 8 provided to medical assistance-covered children, shall be made  
24 9 from the appropriation made in this section.

24 10 20. a. Beginning July 1, 2009, any new or renewed  
24 11 contract entered into by the department with a third party to  
24 12 administer behavioral health services under the medical  
24 13 assistance program shall provide that any interest earned on  
24 14 payments from the state during the state fiscal year shall be  
24 15 remitted to the department for deposit in a separate account  
24 16 after the end of the fiscal year.

24 17 b. Beginning July 1, 2008, the department shall maintain a  
24 18 separate account within the medical assistance budget for the  
24 19 deposit of all funds remitted pursuant to a contract with a  
24 20 third party to administer behavioral health services under the  
24 21 medical assistance program. Notwithstanding section 8.33,  
24 22 funds remaining in the account that remain unencumbered or  
24 23 unobligated at the end of any fiscal year shall not revert but  
24 24 shall remain available in succeeding fiscal years and shall be  
24 25 used only in accordance with appropriations from the account  
24 26 for health and human services-related purposes.

24 27 c. Of the state share of any funds remitted to the medical  
24 28 assistance program pursuant to a contract with a third party  
24 29 to administer behavioral health services under the medical  
24 30 assistance program, the following amounts are appropriated to  
24 31 the department for the fiscal year beginning July 1, 2008, and  
24 32 ending June 30, 2009, to be used as follows:

24 33 (1) For implementation of the emergency mental health  
24 34 crisis services system in accordance with section 225C.19, as  
24 35 enacted by this Act, \$1,500,000.

25 1 (2) For implementation of the mental health services  
25 2 system for children and youth in accordance with section  
25 3 225C.52, as enacted by this Act, \$500,000.

25 4 (3) For the mental health, mental retardation, and  
25 5 developmental disabilities risk pool created in the property  
25 6 tax relief fund in section 426B.5, \$1,000,000.

25 7 (4) To reduce the waiting lists of the medical assistance  
25 8 home and community-based services waivers, \$2,000,000. The  
25 9 department shall distribute the funding allocated under this  
25 10 subparagraph proportionately among all home and  
25 11 community-based services waivers.

25 12 (5) For child welfare and court-ordered services for  
25 13 children who have been adjudicated as delinquent, \$750,000.

25 14 (6) For training for child welfare services providers,  
25 15 \$250,000. The training shall be developed by the department  
25 16 in collaboration with the coalition for children and family  
25 17 services in Iowa.

25 18 d. The department shall provide the results of the audits  
25 19 of the third party administering behavioral health services  
25 20 under the medical assistance program for the fiscal years

25 21 beginning July 1, 2006, and July 1, 2007, to the legislative  
25 22 services agency for review.

25 23 21. Of the funds appropriated in this section, at least  
25 24 \$2,500,000 shall be used for existing and new home and  
25 25 community-based waiver slots for persons with brain injury.

25 26 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There  
25 27 is appropriated from the general fund of the state to the  
25 28 department of human services for the fiscal year beginning  
25 29 July 1, 2008, and ending June 30, 2009, the following amount,  
25 30 or so much thereof as is necessary, to be used for the purpose  
25 31 designated:

25 32 For administration of the health insurance premium payment  
25 33 program, including salaries, support, maintenance, and  
25 34 miscellaneous purposes, and for not more than the following  
25 35 full-time equivalent positions:  
26 1 ..... \$ 566,338  
26 2 ..... FTEs 21.00

26 3 Sec. 11. MEDICAL CONTRACTS. There is appropriated from  
26 4 the general fund of the state to the department of human  
26 5 services for the fiscal year beginning July 1, 2008, and  
26 6 ending June 30, 2009, the following amount, or so much thereof  
26 7 as is necessary, to be used for the purpose designated:

26 8 For medical contracts, including salaries, support,  
26 9 maintenance, and miscellaneous purposes, and for not more than  
26 10 the following full-time equivalent positions:  
26 11 ..... \$ 14,165,550  
26 12 ..... FTEs 6.00

26 13 1. Of the funds appropriated in this section, \$50,000  
26 14 shall be used for electronic cross-matching with state vital  
26 15 records databases through the department of public health.

26 16 2. Of the funds appropriated in this section, \$250,000  
26 17 shall be used for monitoring of home and community-based  
26 18 services waivers.

26 19 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

26 20 1. There is appropriated from the general fund of the  
26 21 state to the department of human services for the fiscal year  
26 22 beginning July 1, 2008, and ending June 30, 2009, the  
26 23 following amount, or so much thereof as is necessary, to be  
26 24 used for the purpose designated:

26 25 For the state supplementary assistance program:  
26 26 ..... \$ 18,310,335

26 27 2. The department shall increase the personal needs  
26 28 allowance for residents of residential care facilities by the  
26 29 same percentage and at the same time as federal supplemental  
26 30 security income and federal social security benefits are  
26 31 increased due to a recognized increase in the cost of living.  
26 32 The department may adopt emergency rules to implement this  
26 33 subsection.

26 34 3. If during the fiscal year beginning July 1, 2008, the  
26 35 department projects that state supplementary assistance  
27 1 expenditures for a calendar year will not meet the federal  
27 2 pass-through requirement specified in Title XVI of the federal  
27 3 Social Security Act, section 1618, as codified in 42 U.S.C. }  
27 4 1382g, the department may take actions including but not  
27 5 limited to increasing the personal needs allowance for  
27 6 residential care facility residents and making programmatic  
27 7 adjustments or upward adjustments of the residential care  
27 8 facility or in-home health-related care reimbursement rates  
27 9 prescribed in this division of this Act to ensure that federal  
27 10 requirements are met. In addition, the department may make  
27 11 other programmatic and rate adjustments necessary to remain  
27 12 within the amount appropriated in this section while ensuring  
27 13 compliance with federal requirements. The department may  
27 14 adopt emergency rules to implement the provisions of this  
27 15 subsection.

27 16 Sec. 13. STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

27 17 1. There is appropriated from the general fund of the  
27 18 state to the department of human services for the fiscal year  
27 19 beginning July 1, 2008, and ending June 30, 2009, the  
27 20 following amount, or so much thereof as is necessary, to be  
27 21 used for the purpose designated:

27 22 For maintenance of the healthy and well kids in Iowa (hawk=  
27 23 i) program pursuant to chapter 514I for receipt of federal  
27 24 financial participation under Title XXI of the federal Social  
27 25 Security Act, which creates the state children's health  
27 26 insurance program:  
27 27 ..... \$ 15,873,103

27 28 2. If sufficient funding is available under this Act, and  
27 29 if federal reauthorization of the state children's health  
27 30 insurance program provides sufficient federal allocations to  
27 31 the state and authorization to cover the following populations

27 32 as an option under the state children's health insurance  
27 33 program, the department may expand coverage under the state  
27 34 children's health insurance program as follows:  
27 35 a. By eliminating the categorical exclusion of state  
28 1 employees from receiving state children's health insurance  
28 2 program benefits.  
28 3 b. By providing coverage for legal immigrant children and  
28 4 pregnant women not eligible under current federal guidelines.  
28 5 c. By covering children up to age twenty-one, or up to age  
28 6 twenty-three if the child is attending school.  
28 7 3. If the United States Congress does not authorize  
28 8 additional federal funds necessary to address any shortfall  
28 9 for the state children's health insurance program for the  
28 10 federal fiscal year beginning October 1, 2008, and ending  
28 11 September 30, 2009, the department may use 100 percent of  
28 12 state funds from the appropriation made in this section for  
28 13 the period beginning July 1, 2008, and ending June 30, 2009,  
28 14 and may, after consultation with the governor and the general  
28 15 assembly, utilize funding from the appropriations made in this  
28 16 Act for medical assistance to maintain the state children's  
28 17 health insurance program. If deemed necessary, the department  
28 18 shall request a supplemental appropriation from the  
28 19 Eighty-third General Assembly, 2009 Session, to address any  
28 20 remaining shortfall for the fiscal year beginning July 1,  
28 21 2008.  
28 22 4. Of the funds appropriated in this section, \$134,050 is  
28 23 allocated for continuation of the contract for advertising and  
28 24 outreach with the department of public health and \$90,050 is  
28 25 allocated for other advertising and outreach.  
28 26 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated  
28 27 from the general fund of the state to the department of human  
28 28 services for the fiscal year beginning July 1, 2008, and  
28 29 ending June 30, 2009, the following amount, or so much thereof  
28 30 as is necessary, to be used for the purpose designated:  
28 31 For child care programs:  
28 32 ..... \$ 39,298,895  
28 33 1. Of the funds appropriated in this section, \$36,043,083  
28 34 shall be used for state child care assistance in accordance  
28 35 with section 237A.13.  
29 1 2. Nothing in this section shall be construed or is  
29 2 intended as or shall imply a grant of entitlement for services  
29 3 to persons who are eligible for assistance due to an income  
29 4 level consistent with the waiting list requirements of section  
29 5 237A.13. Any state obligation to provide services pursuant to  
29 6 this section is limited to the extent of the funds  
29 7 appropriated in this section.  
29 8 3. Of the funds appropriated in this section, \$525,524 is  
29 9 allocated for the statewide program for child care resource  
29 10 and referral services under section 237A.26. A list of the  
29 11 registered and licensed child care facilities operating in the  
29 12 area served by a child care resource and referral service  
29 13 shall be made available to the families receiving state child  
29 14 care assistance in that area.  
29 15 4. Of the funds appropriated in this section, \$1,180,288  
29 16 is allocated for child care quality improvement initiatives  
29 17 including but not limited to the voluntary quality rating  
29 18 system in accordance with section 237A.30.  
29 19 5. The department may use any of the funds appropriated in  
29 20 this section as a match to obtain federal funds for use in  
29 21 expanding child care assistance and related programs. For the  
29 22 purpose of expenditures of state and federal child care  
29 23 funding, funds shall be considered obligated at the time  
29 24 expenditures are projected or are allocated to the  
29 25 department's service areas. Projections shall be based on  
29 26 current and projected caseload growth, current and projected  
29 27 provider rates, staffing requirements for eligibility  
29 28 determination and management of program requirements including  
29 29 data systems management, staffing requirements for  
29 30 administration of the program, contractual and grant  
29 31 obligations and any transfers to other state agencies, and  
29 32 obligations for decategorization or innovation projects.  
29 33 6. A portion of the state match for the federal child care  
29 34 and development block grant shall be provided as necessary to  
29 35 meet federal matching funds requirements through the state  
30 1 general fund appropriation made for child development grants  
30 2 and other programs for at-risk children in section 279.51.  
30 3 7. Of the funds appropriated in this section, \$1,200,000  
30 4 is transferred to the Iowa empowerment fund from which it is  
30 5 appropriated to be used for professional development for the  
30 6 system of early care, health, and education.  
30 7 8. Of the funds appropriated in this section, \$350,000

30 8 shall be allocated to a county with a population of more than  
30 9 300,000 to be used for a one-time grant to support child care  
30 10 center services provided to children with mental, physical, or  
30 11 emotional challenges in order for the children to remain in a  
30 12 home or family setting.

30 13 9. Notwithstanding section 8.33, moneys appropriated in  
30 14 this section or received from the federal appropriations made  
30 15 for the purposes of this section that remain unencumbered or  
30 16 unobligated at the close of the fiscal year shall not revert  
30 17 to any fund but shall remain available for expenditure for the  
30 18 purposes designated until the close of the succeeding fiscal  
30 19 year.

30 20 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated  
30 21 from the general fund of the state to the department of human  
30 22 services for the fiscal year beginning July 1, 2008, and  
30 23 ending June 30, 2009, the following amounts, or so much  
30 24 thereof as is necessary, to be used for the purposes  
30 25 designated:

30 26 1. For operation of the Iowa juvenile home at Toledo and  
30 27 for salaries, support, and maintenance, and for not more than  
30 28 the following full-time equivalent positions:  
30 29 ..... \$ 7,579,484  
30 30 ..... FTEs 126.00

30 31 2. For operation of the state training school at Eldora  
30 32 and for salaries, support, and maintenance, and for not more  
30 33 than the following full-time equivalent positions:  
30 34 ..... \$ 11,948,327  
30 35 ..... FTEs 202.70

31 1 3. A portion of the moneys appropriated in this section  
31 2 shall be used by the state training school and by the Iowa  
31 3 juvenile home for grants for adolescent pregnancy prevention  
31 4 activities at the institutions in the fiscal year beginning  
31 5 July 1, 2008.

31 6 Sec. 16. CHILD AND FAMILY SERVICES.

31 7 1. There is appropriated from the general fund of the  
31 8 state to the department of human services for the fiscal year  
31 9 beginning July 1, 2008, and ending June 30, 2009, the  
31 10 following amount, or so much thereof as is necessary, to be  
31 11 used for the purpose designated:

31 12 For child and family services:  
31 13 ..... \$ 88,557,565

31 14 2. In order to address a reduction of \$5,200,000 from the  
31 15 amount allocated under the appropriation made for the purposes  
31 16 of this section in prior years for purposes of juvenile  
31 17 delinquent graduated sanction services, up to \$5,200,000 of  
31 18 the amount of federal temporary assistance for needy families  
31 19 block grant funding appropriated in this division of this Act  
31 20 for child and family services shall be made available for  
31 21 purposes of juvenile delinquent graduated sanction services.

31 22 3. The department may transfer funds appropriated in this  
31 23 section as necessary to pay the nonfederal costs of services  
31 24 reimbursed under the medical assistance program, state child  
31 25 care assistance program, or the family investment program  
31 26 which are provided to children who would otherwise receive  
31 27 services paid under the appropriation in this section. The  
31 28 department may transfer funds appropriated in this section to  
31 29 the appropriations in this division of this Act for general  
31 30 administration and for field operations for resources  
31 31 necessary to implement and operate the services funded in this  
31 32 section.

31 33 4. a. Of the funds appropriated in this section, up to  
31 34 \$36,441,744 is allocated as the statewide expenditure target  
31 35 under section 232.143 for group foster care maintenance and  
32 1 services.

32 2 b. If at any time after September 30, 2008, annualization  
32 3 of a service area's current expenditures indicates a service  
32 4 area is at risk of exceeding its group foster care expenditure  
32 5 target under section 232.143 by more than 5 percent, the  
32 6 department and juvenile court services shall examine all group  
32 7 foster care placements in that service area in order to  
32 8 identify those which might be appropriate for termination. In  
32 9 addition, any aftercare services believed to be needed for the  
32 10 children whose placements may be terminated shall be  
32 11 identified. The department and juvenile court services shall  
32 12 initiate action to set dispositional review hearings for the  
32 13 placements identified. In such a dispositional review  
32 14 hearing, the juvenile court shall determine whether needed  
32 15 aftercare services are available and whether termination of  
32 16 the placement is in the best interest of the child and the  
32 17 community.

32 18 5. In accordance with the provisions of section 232.188,

32 19 the department shall continue the child welfare and juvenile  
32 20 justice funding initiative during fiscal year 2008=2009. Of  
32 21 the moneys subject to the nonreversion clause provided in the  
32 22 amendment in this Act to 2006 Iowa Acts, chapter 1184, section  
32 23 17, subsection 4, \$3,605,000 is allocated specifically for  
32 24 expenditure for fiscal year 2008=2009 through the  
32 25 decategorization service funding pools and governance boards  
32 26 established pursuant to section 232.188.

32 27 6. A portion of the funds appropriated in this section may  
32 28 be used for emergency family assistance to provide other  
32 29 resources required for a family participating in a family  
32 30 preservation or reunification project or successor project to  
32 31 stay together or to be reunified.

32 32 7. Notwithstanding section 234.35 or any other provision  
32 33 of law to the contrary, state funding for shelter care shall  
32 34 be limited to \$7,072,215. The department shall work with the  
32 35 coalition for children and family services in Iowa and other  
33 1 representatives of shelter care providers to reduce the number  
33 2 of guaranteed shelter beds and shift a portion of available  
33 3 funding to develop new or expand existing child welfare  
33 4 emergency services for children who might otherwise be served  
33 5 in shelter care. The child welfare emergency services shall  
33 6 be provided by shelter care agencies that currently have a  
33 7 contract for shelter care services with the department and may  
33 8 include mobile crisis response units for child and family  
33 9 crises, in-home supervision services, emergency family foster  
33 10 care homes, expanding capacity to provide emergency services  
33 11 in other family foster care homes, or provide flexible funding  
33 12 for child welfare emergency services based on evidence-based  
33 13 practices. Notwithstanding chapter 8A, the department may  
33 14 amend existing contracts with shelter care agencies as  
33 15 necessary to include child welfare emergency services.

33 16 8. Federal funds received by the state during the fiscal  
33 17 year beginning July 1, 2008, as the result of the expenditure  
33 18 of state funds appropriated during a previous state fiscal  
33 19 year for a service or activity funded under this section are  
33 20 appropriated to the department to be used as additional  
33 21 funding for services and purposes provided for under this  
33 22 section. Notwithstanding section 8.33, moneys received in  
33 23 accordance with this subsection that remain unencumbered or  
33 24 unobligated at the close of the fiscal year shall not revert  
33 25 to any fund but shall remain available for the purposes  
33 26 designated until the close of the succeeding fiscal year.

33 27 9. Of the funds appropriated in this section, at least  
33 28 \$3,696,285 shall be used for protective child care assistance.

33 29 10. a. Of the funds appropriated in this section, up to  
33 30 \$2,268,963 is allocated for the payment of the expenses of  
33 31 court-ordered services provided to juveniles who are under the  
33 32 supervision of juvenile court services, which expenses are a  
33 33 charge upon the state pursuant to section 232.141, subsection  
33 34 4. Of the amount allocated in this lettered paragraph, up to  
33 35 \$1,556,287 shall be made available to provide school-based  
34 1 supervision of children adjudicated under chapter 232, of  
34 2 which not more than \$15,000 may be used for the purpose of  
34 3 training. A portion of the cost of each school-based liaison  
34 4 officer shall be paid by the school district or other funding  
34 5 source as approved by the chief juvenile court officer.

34 6 b. Of the funds appropriated in this section, up to  
34 7 \$823,965 is allocated for the payment of the expenses of  
34 8 court-ordered services provided to children who are under the  
34 9 supervision of the department, which expenses are a charge  
34 10 upon the state pursuant to section 232.141, subsection 4.

34 11 c. Notwithstanding section 232.141 or any other provision  
34 12 of law to the contrary, the amounts allocated in this  
34 13 subsection shall be distributed to the judicial districts as  
34 14 determined by the state court administrator and to the  
34 15 department's service areas as determined by the administrator  
34 16 of the department's division of child and family services.  
34 17 The state court administrator and the division administrator  
34 18 shall make the determination of the distribution amounts on or  
34 19 before June 15, 2008.

34 20 d. Notwithstanding chapter 232 or any other provision of  
34 21 law to the contrary, a district or juvenile court shall not  
34 22 order any service which is a charge upon the state pursuant to  
34 23 section 232.141 if there are insufficient court-ordered  
34 24 services funds available in the district court or departmental  
34 25 service area distribution amounts to pay for the service. The  
34 26 chief juvenile court officer and the departmental service area  
34 27 manager shall encourage use of the funds allocated in this  
34 28 subsection such that there are sufficient funds to pay for all  
34 29 court-related services during the entire year. The chief

34 30 juvenile court officers and departmental service area managers  
34 31 shall attempt to anticipate potential surpluses and shortfalls  
34 32 in the distribution amounts and shall cooperatively request  
34 33 the state court administrator or division administrator to  
34 34 transfer funds between the judicial districts' or departmental  
34 35 service areas' distribution amounts as prudent.

35 1 e. Notwithstanding any provision of law to the contrary, a  
35 2 district or juvenile court shall not order a county to pay for  
35 3 any service provided to a juvenile pursuant to an order  
35 4 entered under chapter 232 which is a charge upon the state  
35 5 under section 232.141, subsection 4.

35 6 f. Of the funds allocated in this subsection, not more  
35 7 than \$100,000 may be used by the judicial branch for  
35 8 administration of the requirements under this subsection.

35 9 11. Of the funds appropriated in this section, \$1,030,000  
35 10 shall be transferred to the department of public health to be  
35 11 used for the child protection center grant program in  
35 12 accordance with section 135.118.

35 13 12. If the department receives federal approval to  
35 14 implement a waiver under Title IV-E of the federal Social  
35 15 Security Act to enable providers to serve children who remain  
35 16 in the children's families and communities, for purposes of  
35 17 eligibility under the medical assistance program children who  
35 18 participate in the waiver shall be considered to be placed in  
35 19 foster care.

35 20 13. Of the funds appropriated in this section, \$2,862,164  
35 21 is allocated for the preparation for adult living program  
35 22 pursuant to section 234.46.

35 23 14. Of the funds appropriated in this section, \$1,030,000  
35 24 shall be used for juvenile drug courts. The amount allocated  
35 25 in this subsection shall be distributed as follows:

35 26 a. To the judicial branch for salaries to assist with the  
35 27 operation of juvenile drug court programs operated in the  
35 28 following jurisdictions:

35 29 (1) Marshall county:	
35 30 .....	\$ 61,800
35 31 (2) Woodbury county:	
35 32 .....	\$ 123,862
35 33 (3) Polk county:	
35 34 .....	\$ 193,057
35 35 (4) The third judicial district:	
36 1 .....	\$ 66,950
36 2 (5) The eighth judicial district:	
36 3 .....	\$ 66,950

36 4 b. For court-ordered services to support substance abuse  
36 5 services provided to the juveniles participating in the  
36 6 juvenile drug court programs listed in paragraph "a" and the  
36 7 juveniles' families:

36 8 .....	\$ 517,381
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36 9 The state court administrator shall allocate the funding  
36 10 designated in this paragraph among the programs.

36 11 15. Of the funds appropriated in this section, \$203,000 is  
36 12 allocated for continuation of the contracts for the  
36 13 multidimensional treatment level foster care program  
36 14 established pursuant to 2006 Iowa Acts, chapter 1123, for a  
36 15 third year.

36 16 16. Of the funds appropriated in this section, \$236,900  
36 17 shall be used for a grant to a nonprofit human services  
36 18 organization providing services to individuals and families in  
36 19 multiple locations in southwest Iowa and Nebraska for support  
36 20 of a project providing immediate, sensitive support and  
36 21 forensic interviews, medical exams, needs assessments, and  
36 22 referrals for victims of child abuse and their nonoffending  
36 23 family members.

36 24 17. Of the funds appropriated in this section, \$131,000 is  
36 25 allocated for the elevate approach of providing a support  
36 26 network to children placed in foster care.

36 27 18. Of the funds appropriated in this section, \$300,000 is  
36 28 allocated for sibling visitation provisions for children  
36 29 subject to a court order for out-of-home placement in  
36 30 accordance with section 232.108.

36 31 19. Of the funds appropriated in this section, \$200,000 is  
36 32 allocated for use pursuant to section 235A.1 for the  
36 33 initiative to address child sexual abuse implemented pursuant  
36 34 to 2007 Iowa Acts, ch. 218, section 18, subsection 21.

36 35 20. Of the funds appropriated in this section, \$80,000 is  
37 1 allocated for renewal of a grant to a county with a population  
37 2 between 189,000 and 196,000 in the latest preceding certified  
37 3 federal census for implementation of the county's runaway  
37 4 treatment plan under section 232.195.

37 5 21. Of the funds appropriated in this section, \$418,000 is

37 6 allocated for the community partnership for child protection  
37 7 sites.

37 8 22. Of the funds appropriated in this section, \$375,000 is  
37 9 allocated for the department's minority youth and family  
37 10 projects under the redesign of the child welfare system.

37 11 23. Of the funds appropriated in this section, \$300,000 is  
37 12 allocated for funding of the state match for the federal  
37 13 substance abuse and mental health services administration  
37 14 (SAMHSA) system of care grant.

37 15 24. The department shall develop options for providing a  
37 16 growth mechanism for reimbursement of the child and family  
37 17 services traditionally funded under this appropriation. The  
37 18 growth mechanism options may provide for a tie to allowable  
37 19 growth for school aid, an inflationary adjustment reflective  
37 20 of the cost increases for the services, or other reasonable  
37 21 proxy for the cost increases affecting such service providers.

37 22 Sec. 17. ADOPTION SUBSIDY.

37 23 1. There is appropriated from the general fund of the  
37 24 state to the department of human services for the fiscal year  
37 25 beginning July 1, 2008, and ending June 30, 2009, the  
37 26 following amount, or so much thereof as is necessary, to be  
37 27 used for the purpose designated:

37 28 For adoption subsidy payments and services:

37 29 ..... \$ 32,568,872

37 30 2. The department may transfer funds appropriated in this  
37 31 section to the appropriation made in this Act for general  
37 32 administration for costs paid from the appropriation relating  
37 33 to adoption subsidy.

37 34 3. Federal funds received by the state during the fiscal  
37 35 year beginning July 1, 2008, as the result of the expenditure  
38 1 of state funds during a previous state fiscal year for a  
38 2 service or activity funded under this section are appropriated  
38 3 to the department to be used as additional funding for the  
38 4 services and activities funded under this section.

38 5 Notwithstanding section 8.33, moneys received in accordance  
38 6 with this subsection that remain unencumbered or unobligated  
38 7 at the close of the fiscal year shall not revert to any fund  
38 8 but shall remain available for expenditure for the purposes  
38 9 designated until the close of the succeeding fiscal year.

38 10 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited  
38 11 in the juvenile detention home fund created in section 232.142  
38 12 during the fiscal year beginning July 1, 2008, and ending June  
38 13 30, 2009, are appropriated to the department of human services  
38 14 for the fiscal year beginning July 1, 2008, and ending June  
38 15 30, 2009, for distribution of an amount equal to a percentage  
38 16 of the costs of the establishment, improvement, operation, and  
38 17 maintenance of county or multicounty juvenile detention homes  
38 18 in the fiscal year beginning July 1, 2007. Moneys  
38 19 appropriated for distribution in accordance with this section  
38 20 shall be allocated among eligible detention homes, prorated on  
38 21 the basis of an eligible detention home's proportion of the  
38 22 costs of all eligible detention homes in the fiscal year  
38 23 beginning July 1, 2007. The percentage figure shall be  
38 24 determined by the department based on the amount available for  
38 25 distribution for the fund. Notwithstanding section 232.142,  
38 26 subsection 3, the financial aid payable by the state under  
38 27 that provision for the fiscal year beginning July 1, 2008,  
38 28 shall be limited to the amount appropriated for the purposes  
38 29 of this section.

38 30 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.

38 31 1. There is appropriated from the general fund of the  
38 32 state to the department of human services for the fiscal year  
38 33 beginning July 1, 2008, and ending June 30, 2009, the  
38 34 following amount, or so much thereof as is necessary, to be  
38 35 used for the purpose designated:

39 1 For the family support subsidy program:

39 2 ..... \$ 1,936,434

39 3 2. The department shall use at least \$433,212 of the  
39 4 moneys appropriated in this section for the family support  
39 5 center component of the comprehensive family support program  
39 6 under section 225C.47. Not more than \$20,000 of the amount  
39 7 allocated in this subsection shall be used for administrative  
39 8 costs.

39 9 Sec. 20. CONNER DECREE. There is appropriated from the  
39 10 general fund of the state to the department of human services  
39 11 for the fiscal year beginning July 1, 2008, and ending June  
39 12 30, 2009, the following amount, or so much thereof as is  
39 13 necessary, to be used for the purpose designated:

39 14 For building community capacity through the coordination  
39 15 and provision of training opportunities in accordance with the  
39 16 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.

39 17 Iowa, July 14, 1994):

39 18 ..... \$ 42,623

39 19 Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated

39 20 from the general fund of the state to the department of human

39 21 services for the fiscal year beginning July 1, 2008, and

39 22 ending June 30, 2009, the following amounts, or so much

39 23 thereof as is necessary, to be used for the purposes

39 24 designated:

39 25 1. For the state mental health institute at Cherokee for

39 26 salaries, support, maintenance, and miscellaneous purposes,

39 27 and for not more than the following full-time equivalent

39 28 positions:

39 29 ..... \$ 5,727,743

39 30 ..... FTEs 210.00

39 31 2. For the state mental health institute at Clarinda for

39 32 salaries, support, maintenance, and miscellaneous purposes,

39 33 and for not more than the following full-time equivalent

39 34 positions:

39 35 ..... \$ 7,023,073

40 1 ..... FTEs 109.95

40 2 3. For the state mental health institute at Independence

40 3 for salaries, support, maintenance, and miscellaneous

40 4 purposes, and for not more than the following full-time

40 5 equivalent positions:

40 6 ..... \$ 10,495,879

40 7 ..... FTEs 287.66

40 8 4. For the state mental health institute at Mount Pleasant

40 9 for salaries, support, maintenance, and miscellaneous

40 10 purposes, and for not more than the following full-time

40 11 equivalent positions:

40 12 ..... \$ 1,874,721

40 13 ..... FTEs 116.44

40 14 Sec. 22. STATE RESOURCE CENTERS.

40 15 1. There is appropriated from the general fund of the

40 16 state to the department of human services for the fiscal year

40 17 beginning July 1, 2008, and ending June 30, 2009, the

40 18 following amounts, or so much thereof as is necessary, to be

40 19 used for the purposes designated:

40 20 a. For the state resource center at Glenwood for salaries,

40 21 support, maintenance, and miscellaneous purposes:

40 22 ..... \$ 17,102,330

40 23 b. For the state resource center at Woodward for salaries,

40 24 support, maintenance, and miscellaneous purposes:

40 25 ..... \$ 11,266,164

40 26 2. The department may continue to bill for state resource

40 27 center services utilizing a scope of services approach used

40 28 for private providers of ICFMR services, in a manner which

40 29 does not shift costs between the medical assistance program,

40 30 counties, or other sources of funding for the state resource

40 31 centers.

40 32 3. The state resource centers may expand the time-limited

40 33 assessment and respite services during the fiscal year.

40 34 4. If the department's administration and the department

40 35 of management concur with a finding by a state resource

41 1 center's superintendent that projected revenues can reasonably

41 2 be expected to pay the salary and support costs for a new

41 3 employee position, or that such costs for adding a particular

41 4 number of new positions for the fiscal year would be less than

41 5 the overtime costs if new positions would not be added, the

41 6 superintendent may add the new position or positions. If the

41 7 vacant positions available to a resource center do not include

41 8 the position classification desired to be filled, the state

41 9 resource center's superintendent may reclassify any vacant

41 10 position as necessary to fill the desired position. The

41 11 superintendents of the state resource centers may, by mutual

41 12 agreement, pool vacant positions and position classifications

41 13 during the course of the fiscal year in order to assist one

41 14 another in filling necessary positions.

41 15 5. If existing capacity limitations are reached in

41 16 operating units, a waiting list is in effect for a service or

41 17 a special need for which a payment source or other funding is

41 18 available for the service or to address the special need, and

41 19 facilities for the service or to address the special need can

41 20 be provided within the available payment source or other

41 21 funding, the superintendent of a state resource center may

41 22 authorize opening not more than two units or other facilities

41 23 and begin implementing the service or addressing the special

41 24 need during fiscal year 2008=2009.

41 25 Sec. 23. MI/MR/DD STATE CASES.

41 26 1. There is appropriated from the general fund of the

41 27 state to the department of human services for the fiscal year

41 28 beginning July 1, 2008, and ending June 30, 2009, the  
41 29 following amount, or so much thereof as is necessary, to be  
41 30 used for the purpose designated:  
41 31 For distribution to counties for state case services for  
41 32 persons with mental illness, mental retardation, and  
41 33 developmental disabilities in accordance with section 331.440:  
41 34 ..... \$ 13,067,178  
41 35 2. For the fiscal year beginning July 1, 2008, and ending  
42 1 June 30, 2009, \$200,000 is allocated for state case services  
42 2 from the amounts appropriated from the fund created in section  
42 3 8.41 to the department of human services from the funds  
42 4 received from the federal government under 42 U.S.C., ch. 6A,  
42 5 subch. XVII, relating to the community mental health center  
42 6 block grant, for the federal fiscal years beginning October 1,  
42 7 2006, and ending September 30, 2007, beginning October 1,  
42 8 2007, and ending September 30, 2008, and beginning October 1,  
42 9 2008, and ending September 30, 2009. The allocation made in  
42 10 this subsection shall be made prior to any other distribution  
42 11 allocation of the appropriated federal funds.  
42 12 3. Notwithstanding section 8.33, moneys appropriated in  
42 13 this section that remain unencumbered or unobligated at the  
42 14 close of the fiscal year shall not revert but shall remain  
42 15 available for expenditure for the purposes designated until  
42 16 the close of the succeeding fiscal year.  
42 17 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==  
42 18 COMMUNITY SERVICES FUND. There is appropriated from the  
42 19 general fund of the state to the mental health and  
42 20 developmental disabilities community services fund created in  
42 21 section 225C.7 for the fiscal year beginning July 1, 2008, and  
42 22 ending June 30, 2009, the following amount, or so much thereof  
42 23 as is necessary, to be used for the purpose designated:  
42 24 For mental health and developmental disabilities community  
42 25 services in accordance with this division of this Act:  
42 26 ..... \$ 18,017,890  
42 27 1. Of the funds appropriated in this section, \$17,727,890  
42 28 shall be allocated to counties for funding of community-based  
42 29 mental health and developmental disabilities services. The  
42 30 moneys shall be allocated to a county as follows:  
42 31 a. Fifty percent based upon the county's proportion of the  
42 32 state's population of persons with an annual income which is  
42 33 equal to or less than the poverty guideline established by the  
42 34 federal office of management and budget.  
42 35 b. Fifty percent based upon the county's proportion of the  
43 1 state's general population.  
43 2 2. a. A county shall utilize the funding the county  
43 3 receives pursuant to subsection 1 for services provided to  
43 4 persons with a disability, as defined in section 225C.2.  
43 5 However, no more than 50 percent of the funding shall be used  
43 6 for services provided to any one of the service populations.  
43 7 b. A county shall use at least 50 percent of the funding  
43 8 the county receives under subsection 1 for contemporary  
43 9 services provided to persons with a disability, as described  
43 10 in rules adopted by the department.  
43 11 3. Of the funds appropriated in this section, \$30,000  
43 12 shall be used to support the Iowa compass program providing  
43 13 computerized information and referral services for Iowans with  
43 14 disabilities and their families.  
43 15 4. a. Funding appropriated for purposes of the federal  
43 16 social services block grant is allocated for distribution to  
43 17 counties for local purchase of services for persons with  
43 18 mental illness or mental retardation or other developmental  
43 19 disability.  
43 20 b. The funds allocated in this subsection shall be  
43 21 expended by counties in accordance with the county's approved  
43 22 county management plan. A county without an approved county  
43 23 management plan shall not receive allocated funds until the  
43 24 county's management plan is approved.  
43 25 c. The funds provided by this subsection shall be  
43 26 allocated to each county as follows:  
43 27 (1) Fifty percent based upon the county's proportion of  
43 28 the state's population of persons with an annual income which  
43 29 is equal to or less than the poverty guideline established by  
43 30 the federal office of management and budget.  
43 31 (2) Fifty percent based upon the amount provided to the  
43 32 county for local purchase of services in the preceding fiscal  
43 33 year.  
43 34 5. A county is eligible for funds under this section if  
43 35 the county qualifies for a state payment as described in  
44 1 section 331.439.  
44 2 6. Of the funds appropriated in this section, \$260,000 is  
44 3 allocated to the department for continuing the development of

44 4 an assessment process for use beginning in a subsequent fiscal  
44 5 year as authorized specifically by a statute to be enacted in  
44 6 a subsequent fiscal year, determining on a consistent basis  
44 7 the needs and capacities of persons seeking or receiving  
44 8 mental health, mental retardation, developmental disabilities,  
44 9 or brain injury services that are paid for in whole or in part  
44 10 by the state or a county. The assessment process shall be  
44 11 developed with the involvement of counties and the mental  
44 12 health, mental retardation, developmental disabilities, and  
44 13 brain injury commission.

44 14 7. The most recent population estimates issued by the  
44 15 United States bureau of the census shall be applied for the  
44 16 population factors utilized in this section.

44 17 Sec. 25. SEXUALLY VIOLENT PREDATORS.

44 18 1. There is appropriated from the general fund of the  
44 19 state to the department of human services for the fiscal year  
44 20 beginning July 1, 2008, and ending June 30, 2009, the  
44 21 following amount, or so much thereof as is necessary, to be  
44 22 used for the purpose designated:

44 23 For costs associated with the commitment and treatment of  
44 24 sexually violent predators in the unit located at the state  
44 25 mental health institute at Cherokee, including costs of legal  
44 26 services and other associated costs, including salaries,  
44 27 support, maintenance, and miscellaneous purposes, and for not  
44 28 more than the following full-time equivalent positions:  
44 29 ..... \$ 6,492,008  
44 30 ..... FTEs 94.50

44 31 2. Unless specifically prohibited by law, if the amount  
44 32 charged provides for recoupment of at least the entire amount  
44 33 of direct and indirect costs, the department of human services  
44 34 may contract with other states to provide care and treatment  
44 35 of persons placed by the other states at the unit for sexually  
45 1 violent predators at Cherokee. The moneys received under such  
45 2 a contract shall be considered to be repayment receipts and  
45 3 used for the purposes of the appropriation made in this  
45 4 section.

45 5 Sec. 26. FIELD OPERATIONS. There is appropriated from the  
45 6 general fund of the state to the department of human services  
45 7 for the fiscal year beginning July 1, 2008, and ending June  
45 8 30, 2009, the following amount, or so much thereof as is  
45 9 necessary, to be used for the purposes designated:

45 10 For field operations, including salaries, support,  
45 11 maintenance, and miscellaneous purposes, and for not more than  
45 12 the following full-time equivalent positions:  
45 13 ..... \$ 66,852,732  
45 14 ..... FTEs 2,130.68

45 15 Priority in filling full-time equivalent positions shall be  
45 16 given to those positions related to child protection services  
45 17 and eligibility determination for low-income families.

45 18 Sec. 27. GENERAL ADMINISTRATION. There is appropriated  
45 19 from the general fund of the state to the department of human  
45 20 services for the fiscal year beginning July 1, 2008, and  
45 21 ending June 30, 2009, the following amount, or so much thereof  
45 22 as is necessary, to be used for the purpose designated:

45 23 For general administration, including salaries, support,  
45 24 maintenance, and miscellaneous purposes, and for not more than  
45 25 the following full-time equivalent positions:  
45 26 ..... \$ 16,682,067  
45 27 ..... FTEs 407.50

45 28 1. Of the funds appropriated in this section, \$57,000 is  
45 29 allocated for the prevention of disabilities policy council  
45 30 established in section 225B.3.

45 31 2. The department shall report at least monthly to the  
45 32 legislative services agency concerning the department's  
45 33 operational and program expenditures.

45 34 Sec. 28. VOLUNTEERS. There is appropriated from the  
45 35 general fund of the state to the department of human services  
46 1 for the fiscal year beginning July 1, 2008, and ending June  
46 2 30, 2009, the following amount, or so much thereof as is  
46 3 necessary, to be used for the purpose designated:

46 4 For development and coordination of volunteer services:  
46 5 ..... \$ 109,568

46 6 Sec. 29. FAMILY PLANNING SERVICES. There is appropriated  
46 7 from the general fund of the state to the department of human  
46 8 services for the fiscal year beginning July 1, 2008, and  
46 9 ending June 30, 2009, the following amount or so much thereof  
46 10 as is necessary, to be used for the purpose designated:

46 11 For family planning services to individuals with incomes  
46 12 not to exceed two hundred percent of the federal poverty level  
46 13 as defined by the most recently revised income guidelines  
46 14 published by the United States department of health and human

46 15 services, who are not currently receiving the specific benefit  
46 16 under the medical assistance program:

46 17 ..... \$ 750,000

46 18 Moneys appropriated under this section shall not be used to  
46 19 provide abortions. The department shall work with appropriate  
46 20 stakeholders to implement and administer the program.

46 21 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
46 22 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE  
46 23 DEPARTMENT OF HUMAN SERVICES.

46 24 1. a. (1) For the fiscal year beginning July 1, 2008,  
46 25 the total state funding amount for the nursing facility budget  
46 26 shall not exceed \$183,367,323.

46 27 (2) For the state fiscal year beginning July 1, 2008, the  
46 28 patient=day weighted medians used in rate setting for nursing  
46 29 facilities shall be recalculated and the rates adjusted to  
46 30 provide an increase in nursing facility rates by applying the  
46 31 skilled nursing facility market basket inflation factor from  
46 32 the mid=point of the cost report to July 1, 2007.

46 33 (3) The department, in cooperation with nursing facility  
46 34 representatives, shall review projections for state funding  
46 35 expenditures for reimbursement of nursing facilities on a  
47 1 quarterly basis and the department shall determine if an  
47 2 adjustment to the medical assistance reimbursement rate is  
47 3 necessary in order to provide reimbursement within the state  
47 4 funding amount. Any temporary enhanced federal financial  
47 5 participation that may become available to the Iowa medical  
47 6 assistance program during the fiscal year shall not be used in  
47 7 projecting the nursing facility budget. Notwithstanding 2001  
47 8 Iowa Acts, chapter 192, section 4, subsection 2, paragraph  
47 9 "c", and subsection 3, paragraph "a", subparagraph (2), if the  
47 10 state funding expenditures for the nursing facility budget for  
47 11 the fiscal year beginning July 1, 2008, are projected to  
47 12 exceed the amount specified in subparagraph (1), the  
47 13 department shall adjust the reimbursement for nursing  
47 14 facilities reimbursed under the case=mix reimbursement system  
47 15 to maintain expenditures of the nursing facility budget within  
47 16 the specified amount. The department shall revise such  
47 17 reimbursement as necessary to adjust the annual accountability  
47 18 measures payment in accordance with the amendment in this  
47 19 division of this Act to 2001 Iowa Acts, chapter 192, section  
47 20 4, subsection 4.

47 21 b. For the fiscal year beginning July 1, 2008, the  
47 22 department shall reimburse pharmacy dispensing fees using a  
47 23 single rate of \$4.52 per prescription or the pharmacy's usual  
47 24 and customary fee, whichever is lower.

47 25 c. (1) For the fiscal year beginning July 1, 2008,  
47 26 reimbursement rates for inpatient and outpatient hospital  
47 27 services shall remain at the rates in effect on June 30, 2008.  
47 28 The department shall continue the outpatient hospital  
47 29 reimbursement system based upon ambulatory patient groups  
47 30 implemented pursuant to 1994 Iowa Acts, chapter 1186, section  
47 31 25, subsection 1, paragraph "f", unless the department adopts  
47 32 the Medicare ambulatory payment classification methodology  
47 33 authorized in subparagraph (2).

47 34 (2) The department may implement the Medicare ambulatory  
47 35 payment classification methodology for reimbursement of  
48 1 outpatient hospital services. Any change in hospital  
48 2 reimbursement shall be budget neutral.

48 3 (3) In order to ensure the efficient use of limited state  
48 4 funds in procuring health care services for low=income Iowans,  
48 5 funds appropriated in this Act for hospital services shall not  
48 6 be used for activities which would be excluded from a  
48 7 determination of reasonable costs under the federal Medicare  
48 8 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).

48 9 d. For the fiscal year beginning July 1, 2008,  
48 10 reimbursement rates for rural health clinics, hospices,  
48 11 independent laboratories, and acute mental hospitals shall be  
48 12 increased in accordance with increases under the federal  
48 13 Medicare program or as supported by their Medicare audited  
48 14 costs.

48 15 e. (1) For the fiscal year beginning July 1, 2008,  
48 16 reimbursement rates for home health agencies shall remain at  
48 17 the rates in effect on June 30, 2008, not to exceed a home  
48 18 health agency's actual allowable cost.

48 19 (2) The department shall establish a fixed fee  
48 20 reimbursement schedule for home health agencies under the  
48 21 medical assistance program beginning July 1, 2008.

48 22 f. For the fiscal year beginning July 1, 2008, federally  
48 23 qualified health centers shall receive cost=based  
48 24 reimbursement for 100 percent of the reasonable costs for the  
48 25 provision of services to recipients of medical assistance.

48 26 g. For the fiscal year beginning July 1, 2008, the  
48 27 reimbursement rates for dental services shall remain at the  
48 28 rates in effect on June 30, 2008.

48 29 h. For the fiscal year beginning July 1, 2008, the maximum  
48 30 reimbursement rate for psychiatric medical institutions for  
48 31 children shall be \$160.71 per day.

48 32 i. For the fiscal year beginning July 1, 2008, unless  
48 33 otherwise specified in this Act, all noninstitutional medical  
48 34 assistance provider reimbursement rates shall remain at the  
48 35 rates in effect on June 30, 2008, except for area education  
49 1 agencies, local education agencies, infant and toddler  
49 2 services providers, and those providers whose rates are  
49 3 required to be determined pursuant to section 249A.20.

49 4 j. Notwithstanding section 249A.20, for the fiscal year  
49 5 beginning July 1, 2008, the average reimbursement rate for  
49 6 health care providers eligible for use of the federal Medicare  
49 7 resource-based relative value scale reimbursement methodology  
49 8 under that section shall remain at the rate in effect on June  
49 9 30, 2008; however, this rate shall not exceed the maximum  
49 10 level authorized by the federal government.

49 11 k. For the fiscal year beginning July 1, 2008, the  
49 12 reimbursement rate for residential care facilities shall not  
49 13 be less than the minimum payment level as established by the  
49 14 federal government to meet the federally mandated maintenance  
49 15 of effort requirement. The flat reimbursement rate for  
49 16 facilities electing not to file semiannual cost reports shall  
49 17 not be less than the minimum payment level as established by  
49 18 the federal government to meet the federally mandated  
49 19 maintenance of effort requirement.

49 20 l. For the fiscal year beginning July 1, 2008, inpatient  
49 21 mental health services provided at hospitals shall be  
49 22 reimbursed at the cost of the services, subject to Medicaid  
49 23 program upper payment limit rules; community mental health  
49 24 centers and providers of mental health services to county  
49 25 residents pursuant to a waiver approved under section 225C.7,  
49 26 subsection 3, shall be reimbursed at 100 percent of the  
49 27 reasonable costs for the provision of services to recipients  
49 28 of medical assistance; and psychiatrists shall be reimbursed  
49 29 at the medical assistance program fee for service rate.

49 30 m. For the fiscal year beginning July 1, 2008, the  
49 31 reimbursement rate for providers reimbursed under the in=  
49 32 home-related care program shall not be less than the minimum  
49 33 payment level as established by the federal government to meet  
49 34 the federally mandated maintenance of effort requirement.

49 35 n. Unless otherwise directed in this section, when the  
50 1 department's reimbursement methodology for any provider  
50 2 reimbursed in accordance with this section includes an  
50 3 inflation factor, this factor shall not exceed the amount by  
50 4 which the consumer price index for all urban consumers  
50 5 increased during the calendar year ending December 31, 2002.

50 6 o. For the fiscal year beginning July 1, 2008, the foster  
50 7 family basic daily maintenance rate paid in accordance with  
50 8 section 234.38, the maximum adoption subsidy rate, and the  
50 9 maximum supervised apartment living foster care rate for  
50 10 children ages 0 through 5 years shall be \$16.36, the rate for  
50 11 children ages 6 through 11 years shall be \$17.01, the rate for  
50 12 children ages 12 through 15 years shall be \$18.62, and the  
50 13 rate for children ages 16 and older shall be \$18.87.

50 14 p. For the fiscal year beginning July 1, 2008, the maximum  
50 15 reimbursement rates for social services providers reimbursed  
50 16 under a purchase of social services contract shall remain at  
50 17 the rates in effect on June 30, 2008, or the provider's actual  
50 18 and allowable cost plus inflation for each service, whichever  
50 19 is less. However, the rates may be adjusted under any of the  
50 20 following circumstances:

50 21 a. If a new service was added after June 30, 2008, the  
50 22 initial reimbursement rate for the service shall be based upon  
50 23 actual and allowable costs.

50 24 b. If a social service provider loses a source of income  
50 25 used to determine the reimbursement rate for the provider, the  
50 26 provider's reimbursement rate may be adjusted to reflect the  
50 27 loss of income, provided that the lost income was used to  
50 28 support actual and allowable costs of a service purchased  
50 29 under a purchase of service contract.

50 30 q. For the fiscal year beginning July 1, 2008, the  
50 31 reimbursement rates for family-centered service providers,  
50 32 family foster care service providers, group foster care  
50 33 service providers, and the resource family recruitment and  
50 34 retention contractor shall remain at rates in effect on June  
50 35 30, 2008.

51 1 r. The group foster care reimbursement rates paid for

51 2 placement of children out of state shall be calculated  
51 3 according to the same rate-setting principles as those used  
51 4 for in-state providers, unless the director of human services  
51 5 or the director's designee determines that appropriate care  
51 6 cannot be provided within the state. The payment of the daily  
51 7 rate shall be based on the number of days in the calendar  
51 8 month in which service is provided.

51 9 8. For the fiscal year beginning July 1, 2008, remedial  
51 10 service providers shall receive cost-based reimbursement for  
51 11 100 percent of the reasonable costs not to exceed the  
51 12 established limit for the provision of services to recipients  
51 13 of medical assistance.

51 14 9. a. For the fiscal year beginning July 1, 2008, the  
51 15 combined service and maintenance components of the  
51 16 reimbursement rate paid for shelter care services purchased  
51 17 under a contract shall be based on the financial and  
51 18 statistical report submitted to the department. The maximum  
51 19 reimbursement rate shall be \$91.45 per day. The department  
51 20 shall reimburse a shelter care provider at the provider's  
51 21 actual and allowable unit cost, plus inflation, not to exceed  
51 22 the maximum reimbursement rate.

51 23 b. Notwithstanding section 232.141, subsection 8, for the  
51 24 fiscal year beginning July 1, 2008, the amount of the  
51 25 statewide average of the actual and allowable rates for  
51 26 reimbursement of juvenile shelter care homes that is utilized  
51 27 for the limitation on recovery of unpaid costs shall remain at  
51 28 the amount in effect for this purpose in the preceding fiscal  
51 29 year.

51 30 10. For the fiscal year beginning July 1, 2008, the  
51 31 department shall calculate reimbursement rates for  
51 32 intermediate care facilities for persons with mental  
51 33 retardation at the 80th percentile.

51 34 11. For the fiscal year beginning July 1, 2008, for child  
51 35 care providers reimbursed under the state child care  
52 1 assistance program, the department shall set provider  
52 2 reimbursement rates based on the rate reimbursement survey  
52 3 completed in December 2004. The department shall set rates in  
52 4 a manner so as to provide incentives for a nonregistered  
52 5 provider to become registered.

52 6 12. For the fiscal year beginning July 1, 2008,  
52 7 reimbursements for providers reimbursed by the department of  
52 8 human services may be modified if appropriated funding is  
52 9 allocated for that purpose from the senior living trust fund  
52 10 created in section 249H.4, or as specified in appropriations  
52 11 from the healthy Iowans tobacco trust created in section  
52 12 12.65.

52 13 13. The department may adopt emergency rules to implement  
52 14 this section.

52 15 Sec. 31. 2001 Iowa Acts, chapter 192, section 4,  
52 16 subsection 4, is amended to read as follows:

52 17 4. ACCOUNTABILITY MEASURES MEASUREMENTS == ANNUAL  
52 18 ACCOUNTABILITY PAYMENTS.

52 19 a. It is the intent of the general assembly that the  
52 20 department of human services initiate a system to measure a  
52 21 variety of elements to determine a nursing facility's capacity  
52 22 to provide quality of life and appropriate access to medical  
52 23 assistance program beneficiaries in a cost-effective manner.  
52 24 Beginning July 1, 2001, the department shall implement a  
52 25 process to collect data for these measurements and shall  
52 26 develop procedures to increase nursing facility reimbursements  
52 27 based upon a nursing facility's achievement of multiple  
52 28 favorable outcomes as determined by these measurements. Any  
52 29 increased reimbursement shall not exceed 3 percent of the  
52 30 calculation of the modified price-based case-mix reimbursement  
52 31 median. The increased reimbursement shall be included in the  
52 32 calculation of nursing facility modified price-based payment  
52 33 rates beginning July 1, 2002, with the exception of  
52 34 Medicare-certified hospital-based nursing facilities,  
52 35 state-operated nursing facilities, and special population  
53 1 nursing facilities.

~~53 2 b. It is the intent of the general assembly that increases~~  
~~53 3 in payments to nursing facilities under the case-mix adjusted~~  
~~53 4 component shall be used for the provision of direct care with~~  
~~53 5 an emphasis on compensation to direct care workers. The~~  
~~53 6 department shall compile and provide a detailed analysis to~~  
~~53 7 demonstrate growth of direct care costs, increased acuity, and~~  
~~53 8 care needs of residents. The department shall also provide~~  
~~53 9 analysis of cost reports submitted by providers and the~~  
~~53 10 resulting desk review and field audit adjustments to~~  
~~53 11 reclassify and amend provider cost and statistical data. The~~  
~~53 12 results of these analyses shall be submitted to the general~~

53 13 ~~assembly for evaluation to determine payment levels following~~  
53 14 ~~the transition funding period.~~

53 15 b. ~~Beginning July 1, 2008, notwithstanding any law or rule~~  
53 16 ~~to the contrary, the increased nursing facility reimbursement~~  
53 17 ~~available pursuant to paragraph "a" shall be based upon the~~  
53 18 ~~accountability measures and calculations existing on July 1,~~  
53 19 ~~2008, pursuant to 441 IAC 81.6(16)(g), as adjusted in~~  
53 20 ~~accordance with the following provisions, and the increased~~  
53 21 ~~reimbursement shall be disbursed to each qualifying nursing~~  
53 22 ~~facility as an accountability payment at the end of each~~  
53 23 ~~fiscal year. The department of human services shall request~~  
53 24 ~~any medical assistance state plan amendment necessary to~~  
53 25 ~~implement the modified accountability payment methodology. If~~  
53 26 ~~the department does not receive approval of the state plan~~  
53 27 ~~amendment, the funds designated for the purposes of providing~~  
53 28 ~~the accountability measures payment shall instead be disbursed~~  
53 29 ~~through the case-mix reimbursement system:~~

53 30 (1) ~~If a nursing facility receives a citation resulting in~~  
53 31 ~~actual harm pursuant to the federal certification guidelines~~  
53 32 ~~at a G level scope and severity or higher, the increased~~  
53 33 ~~reimbursement calculated for payment under this paragraph "b"~~  
53 34 ~~shall be reduced by 25 percent for each such citation during~~  
53 35 ~~the year. Additionally, if a nursing facility fails to cure~~  
54 1 ~~any deficiency cited within the time required by the~~  
54 2 ~~department of inspections and appeals, the increased~~  
54 3 ~~reimbursement calculated for payment under this paragraph~~  
54 4 ~~shall be forfeited and the nursing facility shall not receive~~  
54 5 ~~any accountability measure payment for the year.~~

54 6 (2) ~~If a nursing facility receives a deficiency resulting~~  
54 7 ~~in actual harm or immediate jeopardy, pursuant to the federal~~  
54 8 ~~certification guidelines at an H level scope and severity or~~  
54 9 ~~higher, regardless of the amount of any fines assessed, the~~  
54 10 ~~increased reimbursement calculated for payment under this~~  
54 11 ~~paragraph "b" shall be forfeited and the nursing facility~~  
54 12 ~~shall not receive any accountability measure payment for the~~  
54 13 ~~year.~~

54 14 (3) ~~Beginning July 1, 2008, accountability measure~~  
54 15 ~~payments to providers shall be reduced by 20 percent of the~~  
54 16 ~~calculated amount. The percentage reduction shall continue~~  
54 17 ~~until June 30, 2009, or until such time as the general~~  
54 18 ~~assembly adopts a modification of the accountability measures~~  
54 19 ~~system.~~

54 20 c. ~~It is the intent of the general assembly that the~~  
54 21 ~~department of human services assemble a workgroup to develop~~  
54 22 ~~recommendations to redesign the accountability measures for~~  
54 23 ~~implementation in the fiscal year beginning July 1, 2009. The~~  
54 24 ~~workgroup shall include long-term care services stakeholders~~  
54 25 ~~and advocates including but not limited to representatives of~~  
54 26 ~~the AARP Iowa chapter, direct care workers, long-term care~~  
54 27 ~~provider entities, the long-term care resident's advocate, the~~  
54 28 ~~consumer members of the senior living coordinating unit, the~~  
54 29 ~~department of elder affairs, the department of inspections and~~  
54 30 ~~appeals, and the chairpersons and ranking members of the joint~~  
54 31 ~~appropriations subcommittee on health and human services. The~~  
54 32 ~~workgroup shall submit its recommendations for the redesigned~~  
54 33 ~~accountability measures which shall meet all of the following~~  
54 34 ~~specifications:~~

54 35 (1) ~~Acknowledge and establish higher benchmarks for~~  
55 1 ~~performance-based reimbursement to those nursing facilities~~  
55 2 ~~meeting the identified and weighted components recommended by~~  
55 3 ~~the workgroup.~~

55 4 (2) ~~Reinforce the expectation that the performance-based~~  
55 5 ~~payments will be used to support direct care and support care~~  
55 6 ~~staff through increased wages, enhanced benefits, and expanded~~  
55 7 ~~training opportunities and provide a system for determining~~  
55 8 ~~compliance with this expectation.~~

55 9 (3) ~~Identify the best practices that are used in~~  
55 10 ~~facilities receiving a performance-based payment and create a~~  
55 11 ~~system to assist other facilities in the implementation of~~  
55 12 ~~those best practices.~~

55 13 Sec. 32. REVIEW == DRUG PRODUCT SELECTION. On or after  
55 14 the effective date of this section, the chairpersons of the  
55 15 joint appropriations subcommittee on health and human services  
55 16 shall convene a group of representatives of appropriate  
55 17 entities to review current law regarding drug product  
55 18 selection. The representatives shall include but are not  
55 19 limited to representatives of the Iowa pharmacy association,  
55 20 the Iowa medical society, pharmacy industry representatives of  
55 21 the Iowa retail federation, advocacy groups, the department of  
55 22 human services, the board of pharmacy, and the department of  
55 23 public health. The legislative services agency shall provide

55 24 administrative support to the group. The group shall complete  
55 25 its deliberations on or before December 15, 2008.

55 26 Sec. 33. EMERGENCY RULES. If specifically authorized by a  
55 27 provision of this division of this Act, the department of  
55 28 human services or the mental health, mental retardation,  
55 29 developmental disabilities, and brain injury commission may  
55 30 adopt administrative rules under section 17A.4, subsection 2,  
55 31 and section 17A.5, subsection 2, paragraph "b", to implement  
55 32 the provisions and the rules shall become effective  
55 33 immediately upon filing or on a later effective date specified  
55 34 in the rules, unless the effective date is delayed by the  
55 35 administrative rules review committee. Any rules adopted in  
56 1 accordance with this section shall not take effect before the  
56 2 rules are reviewed by the administrative rules review  
56 3 committee. The delay authority provided to the administrative  
56 4 rules review committee under section 17A.4, subsection 5, and  
56 5 section 17A.8, subsection 9, shall be applicable to a delay  
56 6 imposed under this section, notwithstanding a provision in  
56 7 those sections making them inapplicable to section 17A.5,  
56 8 subsection 2, paragraph "b". Any rules adopted in accordance  
56 9 with the provisions of this section shall also be published as  
56 10 notice of intended action as provided in section 17A.4.

56 11 Sec. 34. REPORTS. Any reports or information required to  
56 12 be compiled and submitted under this Act shall be submitted to  
56 13 the chairpersons and ranking members of the joint  
56 14 appropriations subcommittee on health and human services, the  
56 15 legislative services agency, and the legislative caucus staffs  
56 16 on or before the dates specified for submission of the reports  
56 17 or information.

56 18 Sec. 35. EFFECTIVE DATE. The following provisions of this  
56 19 division of this Act, being deemed of immediate importance,  
56 20 take effect upon enactment:

56 21 1. The provision under the appropriation for child and  
56 22 family services, relating to requirements of section 232.143  
56 23 for representatives of the department of human services and  
56 24 juvenile court services to establish a plan for continuing  
56 25 group foster care expenditures for the 2008=2009 fiscal year.

56 26 2. The section directing the chairpersons of the joint  
56 27 appropriations subcommittee on health and human services to  
56 28 convene a group to review drug product selection.

56 29 DIVISION II  
56 30 SENIOR LIVING TRUST FUND,  
56 31 PHARMACEUTICAL SETTLEMENT ACCOUNT,  
56 32 IOWACARE ACCOUNT, HEALTH CARE  
56 33 TRANSFORMATION ACCOUNT, AND  
56 34 PROPERTY TAX RELIEF FUND

56 35 Sec. 36. DEPARTMENT OF ELDER AFFAIRS. There is  
57 1 appropriated from the senior living trust fund created in  
57 2 section 249H.4 to the department of elder affairs for the  
57 3 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
57 4 the following amount, or so much thereof as is necessary, to  
57 5 be used for the purpose designated:

57 6 For the development and implementation of a comprehensive  
57 7 senior living program, including case management only if the  
57 8 monthly cost per client for case management for the frail  
57 9 elderly services provided does not exceed an average of \$70,  
57 10 and including program administration and costs associated with  
57 11 implementation:

57 12 ..... \$ 8,442,707

57 13 1. Of the funds appropriated in this section, \$2,196,967  
57 14 shall be used for case management for the frail elderly. Of  
57 15 the funds allocated in this subsection, \$1,010,000 shall be  
57 16 transferred to the department of human services in equal  
57 17 amounts on a quarterly basis for reimbursement of case  
57 18 management services provided under the medical assistance  
57 19 elderly waiver. The monthly cost per client for case  
57 20 management for the frail elderly services provided shall not  
57 21 exceed an average of \$70.

57 22 2. Notwithstanding section 249H.7, the department of elder  
57 23 affairs shall distribute up to \$400,000 of the funds  
57 24 appropriated in this section in a manner that will supplement  
57 25 and maximize federal funds under the federal Older Americans  
57 26 Act and shall not use the amount distributed for any  
57 27 administrative purposes of either the department of elder  
57 28 affairs or the area agencies on aging.

57 29 3. Of the funds appropriated in this section, \$60,000  
57 30 shall be used to provide dementia-specific education to direct  
57 31 care workers and other providers of long-term care to enhance  
57 32 existing or scheduled efforts through the Iowa caregivers  
57 33 association, the Alzheimer's association, and other  
57 34 organizations identified as appropriate by the department.

57 35 Sec. 37. DEPARTMENT OF INSPECTIONS AND APPEALS. There is  
58 1 appropriated from the senior living trust fund created in  
58 2 section 249H.4 to the department of inspections and appeals  
58 3 for the fiscal year beginning July 1, 2008, and ending June  
58 4 30, 2009, the following amount, or so much thereof as is  
58 5 necessary, to be used for the purpose designated:  
58 6 For the inspection and certification of assisted living  
58 7 facilities and adult day care services, including program  
58 8 administration and costs associated with implementation:  
58 9 ..... \$ 1,183,303  
58 10 Sec. 38. DEPARTMENT OF HUMAN SERVICES. There is  
58 11 appropriated from the senior living trust fund created in  
58 12 section 249H.4 to the department of human services for the  
58 13 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
58 14 the following amount, or so much thereof as is necessary, to  
58 15 be used for the purpose designated:  
58 16 To supplement the medical assistance appropriations made in  
58 17 this Act, including program administration and costs  
58 18 associated with implementation:  
58 19 ..... \$ 67,500,000  
58 20 In order to carry out the purposes of this section, the  
58 21 department may transfer funds appropriated in this section to  
58 22 supplement other appropriations made to the department of  
58 23 human services.  
58 24 Sec. 39. IOWA FINANCE AUTHORITY. There is appropriated  
58 25 from the senior living trust fund created in section 249H.4 to  
58 26 the Iowa finance authority for the fiscal year beginning July  
58 27 1, 2008, and ending June 30, 2009, the following amount, or so  
58 28 much thereof as is necessary, to be used for the purposes  
58 29 designated:  
58 30 To provide reimbursement for rent expenses to eligible  
58 31 persons:  
58 32 ..... \$ 700,000  
58 33 Participation in the rent subsidy program shall be limited  
58 34 to only those persons who meet the requirements for the  
58 35 nursing facility level of care for home and community-based  
59 1 services waiver services as in effect on July 1, 2008, and to  
59 2 those individuals who are eligible for the federal money  
59 3 follows the person grant program under the medical assistance  
59 4 program.  
59 5 Sec. 40. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
59 6 appropriated from the pharmaceutical settlement account  
59 7 created in section 249A.33 to the department of human services  
59 8 for the fiscal year beginning July 1, 2008, and ending June  
59 9 30, 2009, the following amount, or so much thereof as is  
59 10 necessary, to be used for the purpose designated:  
59 11 To supplement the appropriations made for medical contracts  
59 12 under the medical assistance program:  
59 13 ..... \$ 1,323,833  
59 14 Sec. 41. APPROPRIATIONS FROM IOWACARE ACCOUNT.  
59 15 1. There is appropriated from the IowaCare account created  
59 16 in section 249J.24 to the state board of regents for  
59 17 distribution to the university of Iowa hospitals and clinics  
59 18 for the fiscal year beginning July 1, 2008, and ending June  
59 19 30, 2009, the following amount, or so much thereof as is  
59 20 necessary, to be used for the purposes designated:  
59 21 For salaries, support, maintenance, equipment, and  
59 22 miscellaneous purposes, for the provision of medical and  
59 23 surgical treatment of indigent patients, for provision of  
59 24 services to members of the expansion population pursuant to  
59 25 chapter 249J, and for medical education:  
59 26 ..... \$ 27,284,584  
59 27 a. Funds appropriated in this subsection shall not be used  
59 28 to perform abortions except medically necessary abortions, and  
59 29 shall not be used to operate the early termination of  
59 30 pregnancy clinic except for the performance of medically  
59 31 necessary abortions. For the purpose of this subsection, an  
59 32 abortion is the purposeful interruption of pregnancy with the  
59 33 intention other than to produce a live-born infant or to  
59 34 remove a dead fetus, and a medically necessary abortion is one  
59 35 performed under one of the following conditions:  
60 1 (1) The attending physician certifies that continuing the  
60 2 pregnancy would endanger the life of the pregnant woman.  
60 3 (2) The attending physician certifies that the fetus is  
60 4 physically deformed, mentally deficient, or afflicted with a  
60 5 congenital illness.  
60 6 (3) The pregnancy is the result of a rape which is  
60 7 reported within 45 days of the incident to a law enforcement  
60 8 agency or public or private health agency which may include a  
60 9 family physician.  
60 10 (4) The pregnancy is the result of incest which is

60 11 reported within 150 days of the incident to a law enforcement  
60 12 agency or public or private health agency which may include a  
60 13 family physician.

60 14 (5) The abortion is a spontaneous abortion, commonly known  
60 15 as a miscarriage, wherein not all of the products of  
60 16 conception are expelled.

60 17 b. Notwithstanding any provision of law to the contrary,  
60 18 the amount appropriated in this subsection shall be allocated  
60 19 in twelve equal monthly payments as provided in section  
60 20 249J.24.

60 21 2. There is appropriated from the IowaCare account created  
60 22 in section 249J.24 to the state board of regents for  
60 23 distribution to the university of Iowa hospitals and clinics  
60 24 for the fiscal year beginning July 1, 2008, and ending June  
60 25 30, 2009, the following amount, or so much thereof as is  
60 26 necessary, to be used for the purposes designated:

60 27 For salaries, support, maintenance, equipment, and  
60 28 miscellaneous purposes, for the provision of medical and  
60 29 surgical treatment of indigent patients, for provision of  
60 30 services to members of the expansion population pursuant to  
60 31 chapter 249J, and for medical education:  
60 32 ..... \$ 35,969,365

60 33 The amount appropriated in this subsection shall be  
60 34 distributed only if expansion population claims adjudicated  
60 35 and paid by the Iowa Medicaid enterprise exceed the  
61 1 appropriation to the state board of regents for distribution  
61 2 to the university of Iowa hospitals and clinics provided in  
61 3 subsection 1. The amount appropriated in this subsection  
61 4 shall be distributed monthly for expansion population claims  
61 5 adjudicated and approved for payment by the Iowa Medicaid  
61 6 enterprise using medical assistance program reimbursement  
61 7 rates.

61 8 3. There is appropriated from the IowaCare account created  
61 9 in section 249J.24 to the department of human services for the  
61 10 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
61 11 the following amount, or so much thereof as is necessary, to  
61 12 be used for the purposes designated:

61 13 For distribution to a publicly owned acute care teaching  
61 14 hospital located in a county with a population over three  
61 15 hundred fifty thousand for the provision of medical and  
61 16 surgical treatment of indigent patients, for provision of  
61 17 services to members of the expansion population pursuant to  
61 18 chapter 249J, and for medical education:  
61 19 ..... \$ 40,000,000

61 20 Notwithstanding any provision of law to the contrary, the  
61 21 amount appropriated in this subsection shall be allocated in  
61 22 twelve equal monthly payments as provided in section 249J.24.  
61 23 Any amount appropriated in this subsection in excess of  
61 24 \$37,000,000 shall be allocated only if federal funds are  
61 25 available to match the amount allocated.

61 26 4. There is appropriated from the IowaCare account created  
61 27 in section 249J.24 to the department of human services for the  
61 28 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
61 29 the following amounts, or so much thereof as is necessary, to  
61 30 be used for the purposes designated:

61 31 a. For the state mental health institute at Cherokee, for  
61 32 salaries, support, maintenance, and miscellaneous purposes,  
61 33 including services to members of the expansion population  
61 34 pursuant to chapter 249J:  
61 35 ..... \$ 3,164,766

62 1 b. For the state mental health institute at Clarinda, for  
62 2 salaries, support, maintenance, and miscellaneous purposes,  
62 3 including services to members of the expansion population  
62 4 pursuant to chapter 249J:  
62 5 ..... \$ 687,779

62 6 c. For the state mental health institute at Independence,  
62 7 for salaries, support, maintenance, and miscellaneous  
62 8 purposes, including services to members of the expansion  
62 9 population pursuant to chapter 249J:  
62 10 ..... \$ 3,146,494

62 11 d. For the state mental health institute at Mount  
62 12 Pleasant, for salaries, support, maintenance, and  
62 13 miscellaneous purposes, including services to members of the  
62 14 expansion population pursuant to chapter 249J:  
62 15 ..... \$ 2,000,961

62 16 Sec. 42. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE  
62 17 TRANSFORMATION. Notwithstanding any provision to the  
62 18 contrary, there is appropriated from the account for health  
62 19 care transformation created in section 249J.23 to the  
62 20 department of human services for the fiscal year beginning  
62 21 July 1, 2008, and ending June 30, 2009, the following amounts,

62 22 or so much thereof as is necessary, to be used for the  
62 23 purposes designated:

62 24 1. For the costs of medical examinations and development  
62 25 of personal health improvement plans for the expansion  
62 26 population pursuant to section 249J.6:  
62 27 ..... \$ 556,800

62 28 2. For the provision of a medical information hotline for  
62 29 the expansion population as provided in section 249J.6:  
62 30 ..... \$ 150,000

62 31 3. For other health promotion partnership activities  
62 32 pursuant to section 249J.14:  
62 33 ..... \$ 900,000

62 34 4. For the costs related to audits, performance  
62 35 evaluations, and studies required pursuant to chapter 249J:  
63 1 ..... \$ 400,000

63 2 5. For administrative costs associated with chapter 249J:  
63 3 ..... \$ 1,132,412

63 4 6. For planning and development, in cooperation with the  
63 5 department of public health, of a phased-in program to provide  
63 6 a dental home for children:  
63 7 ..... \$ 500,000

63 8 The department shall issue a request for proposals for a  
63 9 performance-based contract to implement the dental home for  
63 10 children and shall apply for any waivers from the centers for  
63 11 Medicare and Medicaid services of the United States department  
63 12 of health and human services as necessary to pursue a  
63 13 phased-in approach. The department shall submit progress  
63 14 reports regarding the planning and development of the dental  
63 15 home for children to the medical assistance projections and  
63 16 assessment council on a periodic basis.

63 17 7. For a mental health transformation pilot program:  
63 18 ..... \$ 250,000

63 19 8. For the tuition assistance for individuals serving  
63 20 individuals with disabilities pilot program as enacted in this  
63 21 Act:  
63 22 ..... \$ 500,000

63 23 9. For payment to the publicly owned acute care teaching  
63 24 hospital located in a county with a population of over 350,000  
63 25 that is a participating provider pursuant to chapter 249J:  
63 26 ..... \$ 230,000

63 27 Disbursements under this subsection shall be made monthly.  
63 28 The hospital shall submit a report following the close of the  
63 29 fiscal year regarding use of the funds appropriated in this  
63 30 subsection to the persons specified in this Act to receive  
63 31 reports.

63 32 10. For transfer to the department of elder affairs to  
63 33 expand the elder abuse initiative program established pursuant  
63 34 to section 231.56A to additional counties:  
63 35 ..... \$ 200,000

64 1 11. For pregnancy counseling and support services  
64 2 as specified in this subsection:  
64 3 ..... \$ 200,000

64 4 The department of human services shall establish a  
64 5 pregnancy counseling and support services program to provide  
64 6 core services consisting of information, education,  
64 7 counseling, and support services to women who experience  
64 8 unplanned pregnancies. Funds appropriated in this subsection  
64 9 shall be used by the department to award grants to service  
64 10 providers that have been in existence for at least one year  
64 11 prior to the awarding of the grant and that are experienced  
64 12 and qualified in providing core pregnancy and parenting  
64 13 support services, including but not limited to pregnancy  
64 14 support organizations, maternity homes, social service  
64 15 agencies, and adoption agencies. Priority in the awarding of  
64 16 grants shall be given to programs that serve areas of the  
64 17 state which demonstrate the highest percentage of unplanned  
64 18 pregnancies of females of childbearing age within the  
64 19 geographic area to be served by the grant.

64 20 Notwithstanding section 8.39, subsection 1, without the  
64 21 prior written consent and approval of the governor and the  
64 22 director of the department of management, the director of  
64 23 human services may transfer funds among the appropriations  
64 24 made in this section as necessary to carry out the purposes of  
64 25 the account for health care transformation. The department  
64 26 shall report any transfers made pursuant to this section to  
64 27 the legislative services agency.

64 28 Sec. 43. TRANSFER FROM ACCOUNT FOR HEALTH CARE  
64 29 TRANSFORMATION. There is transferred from the account for  
64 30 health care transformation created pursuant to section 249J.23  
64 31 to the IowaCare account created in section 249J.24 a total of  
64 32 \$3,000,000 for the fiscal year beginning July 1, 2008, and

64 33 ending June 30, 2009.  
64 34 Sec. 44. IOWACARE PLAN REPORT. The department of human  
64 35 services, in cooperation with the members of the expansion  
65 1 population provider network as specified in chapter 249J and  
65 2 other interested parties, shall review the current IowaCare  
65 3 program and shall develop a plan for continuation, expansion,  
65 4 or elimination of the IowaCare program beyond June 30, 2010.  
65 5 The plan shall address the issue of establishing a procedure  
65 6 to either transfer an expansion population member who seeks  
65 7 medical care or treatment for a covered service from a  
65 8 nonparticipating provider to a participating provider in the  
65 9 expansion population provider network, or to compensate the  
65 10 nonparticipating provider for medical care or treatment for a  
65 11 covered service provided to an expansion population member, if  
65 12 transfer is not medically possible or if the transfer is  
65 13 refused and if no other third party is liable for  
65 14 reimbursement for the services provided. The review shall  
65 15 also address the issue of the future of the IowaCare program  
65 16 beyond June 30, 2010, including but not limited to expansion  
65 17 of the provider network beyond the initial network, expansion  
65 18 population member growth projections, member benefits,  
65 19 alternatives for providing health care coverage to the  
65 20 expansion population, and other issues pertinent to the  
65 21 continuation, expansion, or elimination of the program. The  
65 22 department shall report its findings and recommendations to  
65 23 the medical assistance projections and assessment council no  
65 24 later than December 15, 2008.

65 25 Sec. 45. PROPERTY TAX RELIEF FUND. There is appropriated  
65 26 from the property tax relief fund created in section 426B.1 to  
65 27 the department of human services for the fiscal year beginning  
65 28 July 1, 2008, and ending June 30, 2009, the following amount,  
65 29 or so much thereof as is necessary, to be used for the  
65 30 purposes designated:

65 31 For the medical assistance program in addition to the  
65 32 appropriation made in section 426B.1, subsection 3, and other  
65 33 appropriations made for purposes of the program:

65 34 ..... \$ 624,000

65 35 The appropriation made in this section consists of the  
66 1 revenues credited to the property tax relief fund pursuant to  
66 2 sections 437A.8 and 437A.15 after November 1, 2007, and before  
66 3 April 1, 2008.

66 4 Sec. 46. Section 426B.2, subsection 3, Code 2007, is  
66 5 amended to read as follows:

66 6 3. a. The director of human services shall draw warrants  
66 7 on the property tax relief fund, payable to the county  
66 8 treasurer in the amount due to a county in accordance with  
66 9 subsection 1 and mail the warrants to the county auditors in  
66 10 July and January of each year.

66 11 b. Any replacement generation tax in the property tax  
66 12 relief fund as of ~~November~~ May 1 shall be paid to the county  
66 13 treasurers in July and January of the fiscal year beginning  
66 14 the following July 1. The department of management shall  
66 15 determine the amount each county will be paid pursuant to this  
66 16 lettered paragraph for the following fiscal year. The  
66 17 department shall reduce by the determined amount the amount of  
66 18 each county's certified budget to be raised by property tax  
66 19 for that fiscal year which is to be expended for mental  
66 20 health, mental retardation, and developmental disabilities  
66 21 services and shall revise the rate of taxation as necessary to  
66 22 raise the reduced amount. The department of management shall  
66 23 report the reduction in the certified budget and the revised  
66 24 rate of taxation to the county auditors by June 15.

66 25 Sec. 47. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR  
66 26 LIVING TRUST FUND FOR FY 2008=2009. Notwithstanding section  
66 27 8.33, if moneys appropriated for purposes of the medical  
66 28 assistance program for the fiscal year beginning July 1, 2008,  
66 29 and ending June 30, 2009, from the general fund of the state,  
66 30 the senior living trust fund, the healthy Iowans tobacco trust  
66 31 fund, the health care trust fund, and the property tax relief  
66 32 fund are in excess of actual expenditures for the medical  
66 33 assistance program and remain unencumbered or unobligated at  
66 34 the close of the fiscal year, the excess moneys shall not  
66 35 revert but shall be transferred to the senior living trust  
67 1 fund created in section 249H.4.

67 2 DIVISION III  
67 3 MH/MR/DD/BI SERVICES  
67 4 ALLOWED GROWTH FUNDING ==  
67 5 FY 2008=2009

67 6 Sec. 48. Section 225C.5, subsection 1, Code 2007, is  
67 7 amended by adding the following new paragraph:

67 8 NEW PARAGRAPH. ii. One member shall be an active board

67 9 member of an agency serving persons with a substance abuse  
67 10 problem selected from nominees submitted by the Iowa  
67 11 behavioral health association.  
67 12 Sec. 49. NEW SECTION. 225C.19 EMERGENCY MENTAL HEALTH  
67 13 CRISIS SERVICES SYSTEM.  
67 14 1. For the purposes of this section:  
67 15 a. "Emergency mental health crisis services provider"  
67 16 means a provider accredited or approved by the department to  
67 17 provide emergency mental health crisis services.  
67 18 b. "Emergency mental health crisis services system" or  
67 19 "services system" means a coordinated array of crisis services  
67 20 for providing a response to assist an individual adult or  
67 21 child who is experiencing a mental health crisis or who is in  
67 22 a situation that is reasonably likely to cause the individual  
67 23 to have a mental health crisis unless assistance is provided.  
67 24 2. a. The division shall implement an emergency mental  
67 25 health crisis services system in accordance with this section.  
67 26 b. The purpose of the services system is to provide a  
67 27 statewide array of time-limited intervention services to  
67 28 reduce escalation of crisis situations, relieve the immediate  
67 29 distress of individuals experiencing a crisis situation,  
67 30 reduce the risk of individuals in a crisis situation doing  
67 31 harm to themselves or others, and promote timely access to  
67 32 appropriate services for those who require ongoing mental  
67 33 health services.  
67 34 c. The services system shall be available twenty-four  
67 35 hours per day, seven days per week to any individual who is  
68 1 determined by self or others to be in a crisis situation,  
68 2 regardless of whether the individual has been diagnosed with a  
68 3 mental illness or a co-occurring mental illness and substance  
68 4 abuse disorder, and shall address all ages, income levels, and  
68 5 health coverage statuses.  
68 6 d. The goals of an intervention offered by a provider  
68 7 under the services system shall include but are not limited to  
68 8 symptom reduction, stabilization of the individual receiving  
68 9 the intervention, and restoration of the individual to a  
68 10 previous level of functioning.  
68 11 e. The elements of the services system shall be specified  
68 12 in administrative rules adopted by the commission.  
68 13 3. The services system elements shall include but are not  
68 14 limited to all of the following:  
68 15 a. Standards for accrediting or approving emergency mental  
68 16 health crisis services providers. Such providers may include  
68 17 but are not limited to a community mental health center, a  
68 18 provider approved in a waiver adopted by the commission to  
68 19 provide services to a county in lieu of a community mental  
68 20 health center, a unit of the department or other state agency,  
68 21 a county, or any other public or private provider who meets  
68 22 the accreditation or approval standards for an emergency  
68 23 mental health crisis services provider.  
68 24 b. Identification by the division of geographic regions,  
68 25 service areas, or other means of distributing and organizing  
68 26 the emergency mental health crisis services system to ensure  
68 27 statewide availability of the services.  
68 28 c. Coordination of emergency mental health crisis services  
68 29 with all of the following:  
68 30 (1) The district and juvenile courts.  
68 31 (2) Law enforcement.  
68 32 (3) Judicial district departments of correctional  
68 33 services.  
68 34 (4) County central point of coordination processes.  
68 35 (5) Other mental health, substance abuse, and co-occurring  
69 1 mental illness and substance abuse services available through  
69 2 the state and counties to serve both children and adults.  
69 3 d. Identification of basic services to be provided through  
69 4 each accredited or approved emergency mental health crisis  
69 5 services provider which may include but are not limited to  
69 6 face-to-face crisis intervention, stabilization, support,  
69 7 counseling, preadmission screening for individuals who may  
69 8 require psychiatric hospitalization, transportation, and  
69 9 follow-up services.  
69 10 e. Identification of operational requirements for  
69 11 emergency mental health crisis services provider accreditation  
69 12 or approval which may include providing a telephone hotline,  
69 13 mobile crisis staff, collaboration protocols, follow-up with  
69 14 community services, information systems, and competency-based  
69 15 training.  
69 16 4. The division shall initially implement the program  
69 17 through a competitive block grant process. The implementation  
69 18 shall be limited to the extent of the appropriations provided  
69 19 for the program.

69 20 Sec. 50. NEW SECTION. 225C.51 DEFINITIONS.

69 21 For the purposes of this division:

69 22 1. "Child" or "children" means a person or persons under  
69 23 eighteen years of age.

69 24 2. "Children's system" or "mental health services system  
69 25 for children and youth" means the mental health services  
69 26 system for children and youth implemented pursuant to this  
69 27 division.

69 28 3. "Functional impairment" means difficulties that  
69 29 substantially interfere with or limit a person from achieving  
69 30 or maintaining one or more developmentally appropriate social,  
69 31 behavioral, cognitive, communicative, or adaptive skills and  
69 32 that substantially interfere with or limit the person's role  
69 33 or functioning in family, school, or community activities.  
69 34 "Functional impairment" includes difficulties of episodic,  
69 35 recurrent, and continuous duration. "Functional impairment"  
70 1 does not include difficulties resulting from temporary and  
70 2 expected responses to stressful events in a person's  
70 3 environment.

70 4 4. "Other qualifying mental health disorder" means a  
70 5 mental health crisis or any diagnosable mental health disorder  
70 6 that is likely to lead to mental health crisis unless there is  
70 7 an intervention.

70 8 5. "Serious emotional disturbance" means a diagnosable  
70 9 mental, behavioral, or emotional disorder of sufficient  
70 10 duration to meet diagnostic criteria specified within the most  
70 11 current diagnostic and statistical manual of mental disorders  
70 12 published by the American psychiatric association that results  
70 13 in a functional impairment. "Serious emotional disturbance"  
70 14 does not include substance use and developmental disorders  
70 15 unless such disorders co-occur with such a diagnosable mental,  
70 16 behavioral, or emotional disorder.

70 17 6. "Youth" means a person eighteen years of age or older  
70 18 but under twenty-two years of age who met the criteria for  
70 19 having a serious emotional disturbance prior to the age of  
70 20 eighteen.

70 21 Sec. 51. NEW SECTION. 225C.52 MENTAL HEALTH SERVICES  
70 22 SYSTEM FOR CHILDREN AND YOUTH == PURPOSE.

70 23 1. Establishing a comprehensive community-based mental  
70 24 health services system for children and youth is part of  
70 25 fulfilling the requirements of the division and the commission  
70 26 to facilitate a comprehensive, continuous, and integrated  
70 27 state mental health services plan in accordance with sections  
70 28 225C.4, 225C.6, and 225C.6A, and other provisions of this  
70 29 chapter. The purpose of establishing the children's system is  
70 30 to improve access for children and youth with serious  
70 31 emotional disturbances and youth with other qualifying mental  
70 32 health disorders to mental health treatment, services, and  
70 33 other support in the least restrictive setting possible so the  
70 34 children and youth can live with their families and remain in  
70 35 their communities. The children's system is also intended to  
71 1 meet the needs of children and youth who have mental health  
71 2 disorders that co-occur with substance abuse, mental  
71 3 retardation, developmental disabilities, or other  
71 4 disabilities. The children's system shall emphasize  
71 5 community-level collaborative efforts between children and  
71 6 youth and the families and the state's systems of education,  
71 7 child welfare, juvenile justice, health care, substance abuse,  
71 8 and mental health.

71 9 2. The goals and outcomes desired for the children's  
71 10 system shall include but are not limited to all of the  
71 11 following:

71 12 a. Identifying the mental health needs of children and  
71 13 youth.

71 14 b. Performing comprehensive assessments of children and  
71 15 youth that are designed to identify functional skills,  
71 16 strengths, and services needed.

71 17 c. Providing timely access to available treatment,  
71 18 services, and other support.

71 19 d. Offering information and referral services to families  
71 20 to address service needs other than mental health.

71 21 e. Improving access to needed mental health services by  
71 22 allowing children and youth to be served with their families  
71 23 in the community.

71 24 f. Preventing or reducing utilization of more costly,  
71 25 restrictive care by reducing the unnecessary involvement of  
71 26 children and youth who have mental health needs and their  
71 27 families with law enforcement, the corrections system, and  
71 28 detention, juvenile justice, and other legal proceedings;  
71 29 reducing the involvement of children and youth with child  
71 30 welfare services or state custody; and reducing the placement

71 31 of children and youth in the state juvenile institutions,  
71 32 state mental health institutes, or other public or private  
71 33 residential psychiatric facilities.  
71 34 g. Increasing the number of children and youth assessed  
71 35 for functional skill levels.  
72 1 h. Increasing the capacity to develop individualized,  
72 2 strengths-based, and integrated treatment plans for children,  
72 3 youth, and families.  
72 4 i. Promoting communications with caregivers and others  
72 5 about the needs of children, youth, and families engaged in  
72 6 the children's system.  
72 7 j. Developing the ability to aggregate data and  
72 8 information, and to evaluate program, service, and system  
72 9 efficacy for children, youth, and families being served on a  
72 10 local and statewide basis.  
72 11 k. Implementing and utilizing outcome measures that are  
72 12 consistent with but not limited to the national outcomes  
72 13 measures identified by the substance abuse and mental health  
72 14 services administration of the United States department of  
72 15 health and human services.  
72 16 l. Identifying children and youth whose mental health or  
72 17 emotional condition, whether chronic or acute, represents a  
72 18 danger to themselves, their families, school students or  
72 19 staff, or the community.

72 20 Sec. 52. NEW SECTION. 225C.53 ROLE OF DEPARTMENT AND  
72 21 DIVISION == TRANSITION TO ADULT SYSTEM.

72 22 1. The department is the lead agency responsible for the  
72 23 development, implementation, oversight, and management of the  
72 24 mental health services system for children and youth in  
72 25 accordance with this chapter. The department's  
72 26 responsibilities shall be fulfilled by the division.

72 27 2. The division's responsibilities relating to the  
72 28 children's system include but are not limited to all of the  
72 29 following:

72 30 a. Ensuring that the rules adopted for the children's  
72 31 system provide that, within the limits of appropriations for  
72 32 the children's system, children and youth shall not be  
72 33 inappropriately denied necessary mental health services.

72 34 b. Establishing standards for the provision of home and  
72 35 community-based mental health treatment, services, and other  
73 1 support under the children's system.

73 2 c. Identifying and implementing eligibility criteria for  
73 3 the treatment, services, and other support available under the  
73 4 children's system.

73 5 d. Ongoing implementation of recommendations identified  
73 6 through children's system improvement efforts.

73 7 3. An adult person who met the criteria for having a  
73 8 serious emotional disturbance prior to the age of eighteen may  
73 9 qualify to continue services through the adult mental health  
73 10 system.

73 11 Sec. 53. NEW SECTION. 225C.54 MENTAL HEALTH SERVICES  
73 12 SYSTEM FOR CHILDREN AND YOUTH == INITIAL IMPLEMENTATION.

73 13 1. The mental health services system for children and  
73 14 youth shall be initially implemented by the division  
73 15 commencing with the fiscal year beginning July 1, 2008. The  
73 16 division shall begin implementation by utilizing a competitive  
73 17 bidding process to allocate state block grants to develop  
73 18 services through existing community mental health centers,  
73 19 providers approved in a waiver adopted by the commission to  
73 20 provide services to a county in lieu of a community mental  
73 21 health center, and other local service partners. The  
73 22 implementation shall be limited to the extent of the  
73 23 appropriations provided for the children's system.

73 24 2. In order to maximize federal financial participation in  
73 25 the children's system, the division and the department's  
73 26 Medicaid program staff shall analyze the feasibility of  
73 27 leveraging existing Medicaid options, such as expanding the  
73 28 home and community-based services waiver for children's mental  
73 29 health services, reviewing the feasibility of implementing  
73 30 other Medicaid options such as the federal Tax Equity and  
73 31 Financial Responsibility Act of 1982 (TEFRA) option for  
73 32 children with severe mental illness or emotional disturbance  
73 33 and Medicaid administrative funding, and determining the need  
73 34 for service enhancements through revisions to the Medicaid  
73 35 state plan and the federal state children's health insurance  
74 1 program and the healthy and well kids in Iowa program.

74 2 3. Initial block grants shall support a wide range of  
74 3 children, youth, and family services and initiatives including  
74 4 but not limited to school-based mental health projects, system  
74 5 reviews providing service gap analysis, status studies of the  
74 6 mental health needs of children and youth in representative

74 7 areas of the state, and mental health assessment capacity  
74 8 development based in public and nonpublic schools and clinical  
74 9 settings using standard functional assessment tools. The  
74 10 purpose of developing the assessment capacity is to determine  
74 11 childrens' and youths' degree of impairment in daily  
74 12 functioning due to emotional, behavioral, psychological,  
74 13 psychiatric, or substance use problems.

74 14 4. The initial block grants may also support an array of  
74 15 programs and services including but not limited to mobile  
74 16 crisis intervention services, or other support intended to  
74 17 prevent more intensive or in-patient interventions, skills  
74 18 training, intensive care coordination, and  
74 19 cognitive-behavioral and multisystemic family therapy. In  
74 20 addition, support may be provided for prevention-oriented  
74 21 services including mental health consultations regarding home  
74 22 visits, child welfare, juvenile justice, and maternal and  
74 23 child health services, and consultation for preschool  
74 24 programs.

74 25 5. The division shall report regularly to the commission,  
74 26 general assembly, and governor concerning the implementation  
74 27 status of the children's system, including but not limited to  
74 28 an annual report submitted each January. The report may  
74 29 address funding requirements and statutory amendments  
74 30 necessary to further develop the children's system.

74 31 Sec. 54. Section 331.439, subsection 1, paragraph a, Code  
74 32 Supplement 2007, is amended to read as follows:

74 33 a. The county accurately reported by December 1 the  
74 34 county's expenditures for mental health, mental retardation,  
74 35 and developmental disabilities services and the information  
75 1 required under section 225C.6A, subsection 2, paragraph "c",  
75 2 for the previous fiscal year on forms prescribed by rules  
75 3 adopted by the state commission. If the department determines  
75 4 good cause exists, the department may extend a deadline  
75 5 otherwise imposed under this chapter, chapter 225C, or chapter  
75 6 426B for a county's reporting concerning mental health, mental  
75 7 retardation, or developmental disabilities services or related  
75 8 revenues and expenditures.

75 9 Sec. 55. 2007 Iowa Acts, chapter 215, section 1, is  
75 10 amended to read as follows:

75 11 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,  
75 12 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH  
75 13 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.

75 14 1. There is appropriated from the general fund of the  
75 15 state to the department of human services for the fiscal year  
75 16 beginning July 1, 2008, and ending June 30, 2009, the  
75 17 following amount, or so much thereof as is necessary, to be  
75 18 used for the purpose designated:

75 19 For distribution to counties of the county mental health,  
75 20 mental retardation, and developmental disabilities allowed  
75 21 growth factor adjustment for fiscal year 2008=2009, and for  
75 22 the brain injury services program in the department of public  
75 23 health:  
75 24 ..... \$ 64,600,002  
75 25 ..... 54,081,310

75 26 ~~2. The amount appropriated in this section shall be~~  
75 27 ~~allocated as provided in a later enactment of the general~~  
75 28 ~~assembly.~~

75 29 2. There is appropriated from the property tax relief fund  
75 30 to the department of human services for the fiscal year  
75 31 beginning July 1, 2008, and ending June 30, 2009, the  
75 32 following amount, or so much thereof as is necessary, to be  
75 33 used for the purposes designated:

75 34 For distribution to counties of the county mental health,  
75 35 mental retardation, and developmental disabilities allowed  
76 1 growth factor adjustment, as provided in this section in lieu  
76 2 of the provisions of section 331.438, subsection 2, and  
76 3 section 331.439, subsection 3, and chapter 426B:  
76 4 ..... \$ 7,592,099

76 5 Sec. 56. 2007 Iowa Acts, chapter 215, section 1, as  
76 6 amended by this division of this Act, is amended by adding the  
76 7 following new subsections:

76 8 NEW SUBSECTION. 3. Of the amount appropriated in  
76 9 subsection 1, \$12,000,000 shall be distributed as provided in  
76 10 this subsection.

76 11 a. To be eligible to receive a distribution under this  
76 12 subsection, a county must meet the following requirements:

76 13 (1) The county is levying for the maximum amount allowed  
76 14 for the county's mental health, mental retardation, and  
76 15 developmental disabilities services fund under section  
76 16 331.424A for taxes due and payable in the fiscal year  
76 17 beginning July 1, 2008, or the county is levying for at least

76 18 90 percent of the maximum amount allowed for the county's  
76 19 services fund and that levy rate is more than \$2 per \$1,000 of  
76 20 the assessed value of all taxable property in the county.

76 21 (2) In the fiscal year beginning July 1, 2007, the  
76 22 county's mental health, mental retardation, and developmental  
76 23 disabilities services fund ending balance under generally  
76 24 accepted accounting principles was equal to or less than 15  
76 25 percent of the county's actual gross expenditures for that  
76 26 fiscal year.

76 27 b. A county's allocation of the amount appropriated in  
76 28 this subsection shall be determined based upon the county's  
76 29 proportion of the general population of the counties eligible  
76 30 to receive an allocation under this subsection. The most  
76 31 recent population estimates issued by the United States bureau  
76 32 of the census shall be applied in determining population for  
76 33 the purposes of this paragraph.

76 34 c. The allocations made pursuant to this subsection are  
76 35 subject to the distribution provisions and withholding  
77 1 requirements established in this section for the county mental  
77 2 health, mental retardation, and developmental disabilities  
77 3 allowed growth factor adjustment for the fiscal year beginning  
77 4 July 1, 2008.

77 5 NEW SUBSECTION. 4. The funding appropriated in this  
77 6 section is the allowed growth factor adjustment for fiscal  
77 7 year 2008=2009, and shall be credited to the allowed growth  
77 8 funding pool created in the property tax relief fund and for  
77 9 distribution in accordance with section 426B.5, subsection 1:  
77 10 ..... \$ 49,673,409

77 11 NEW SUBSECTION. 5. The following formula amounts shall be  
77 12 utilized only to calculate preliminary distribution amounts  
77 13 for fiscal year 2008=2009 under this section by applying the  
77 14 indicated formula provisions to the formula amounts and  
77 15 producing a preliminary distribution total for each county:

77 16 a. For calculation of a distribution amount for eligible  
77 17 counties from the allowed growth funding pool created in the  
77 18 property tax relief fund in accordance with the requirements  
77 19 in section 426B.5, subsection 1:  
77 20 ..... \$ 57,337,985

77 21 b. For calculation of a distribution amount for counties  
77 22 from the mental health and developmental disabilities (MH/DD)  
77 23 community services fund in accordance with the formula  
77 24 provided in the appropriation made for the MH/DD community  
77 25 services fund for the fiscal year beginning July 1, 2008:  
77 26 ..... \$ 17,727,890

77 27 NEW SUBSECTION. 6. After applying the applicable  
77 28 statutory distribution formulas to the amounts indicated in  
77 29 subsection 5 for purposes of producing preliminary  
77 30 distribution totals, the department of human services shall  
77 31 apply a withholding factor to adjust an eligible individual  
77 32 county's preliminary distribution total. In order to be  
77 33 eligible for a distribution under this section, a county must  
77 34 be levying seventy percent or more of the maximum amount  
77 35 allowed for the county's mental health, mental retardation,  
78 1 and developmental disabilities services fund under section  
78 2 331.424A for taxes due and payable in the fiscal year for  
78 3 which the distribution is payable. An ending balance  
78 4 percentage for each county shall be determined by expressing  
78 5 the county's ending balance on a modified accrual basis under  
78 6 generally accepted accounting principles for the fiscal year  
78 7 beginning July 1, 2007, in the county's mental health, mental  
78 8 retardation, and developmental disabilities services fund  
78 9 created under section 331.424A, as a percentage of the  
78 10 county's gross expenditures from that fund for that fiscal  
78 11 year. If a county borrowed moneys for purposes of providing  
78 12 services from the county's services fund on or before July 1,  
78 13 2007, and the county's services fund ending balance for that  
78 14 fiscal year includes the loan proceeds or an amount designated  
78 15 in the county budget to service the loan for the borrowed  
78 16 moneys, those amounts shall not be considered to be part of  
78 17 the county's ending balance for purposes of calculating an  
78 18 ending balance percentage under this subsection. The  
78 19 withholding factor for a county shall be the following  
78 20 applicable percent:

78 21 a. For an ending balance percentage of less than 5  
78 22 percent, a withholding factor of 0 percent. In addition, a  
78 23 county that is subject to this lettered paragraph shall  
78 24 receive an inflation adjustment equal to 3 percent of the  
78 25 gross expenditures reported for the county's services fund for  
78 26 the fiscal year.

78 27 b. For an ending balance percentage of 5 percent or more  
78 28 but less than 10 percent, a withholding factor of 0 percent.

78 29 In addition, a county that is subject to this lettered  
78 30 paragraph shall receive an inflation adjustment equal to 2  
78 31 percent of the gross expenditures reported for the county's  
78 32 services fund for the fiscal year.

78 33 c. For an ending balance percentage of 10 percent or more  
78 34 but less than 25 percent, a withholding factor of 25 percent.  
78 35 However, for counties with an ending balance percentage of 10  
79 1 percent or more but less than 15 percent, the amount withheld  
79 2 shall be limited to the amount by which the county's ending  
79 3 balance was in excess of the ending balance percentage of 10  
79 4 percent.

79 5 d. For an ending balance percentage of 25 percent or more,  
79 6 a withholding percentage of 100 percent.

79 7 NEW SUBSECTION. 7. The total withholding amounts applied  
79 8 pursuant to subsection 6 shall be equal to a withholding  
79 9 target amount of \$7,664,576. If the department of human  
79 10 services determines that the amount to be withheld in  
79 11 accordance with subsection 6 is not equal to the target  
79 12 withholding amount, the department shall adjust the  
79 13 withholding factors listed in subsection 6 as necessary to  
79 14 achieve the target withholding amount. However, in making  
79 15 such adjustments to the withholding factors, the department  
79 16 shall strive to minimize changes to the withholding factors  
79 17 for those ending balance percentage ranges that are lower than  
79 18 others and shall not adjust the zero withholding factor or the  
79 19 inflation adjustment percentage specified in subsection 6,  
79 20 paragraph "a".

79 21 NEW SUBSECTION. 8. It is the intent of the general  
79 22 assembly that for distribution of the moneys addressed in this  
79 23 section to counties for the fiscal year beginning July 1,  
79 24 2009, any factor utilizing services fund ending balances will  
79 25 be based upon the fiscal year beginning July 1, 2007.

79 26 NEW SUBSECTION. 9. a. The department of human services  
79 27 may implement a pilot project for a regional service network  
79 28 established for mental health, mental retardation, and  
79 29 developmental disabilities services paid from the services  
79 30 funds under section 331.424A. The initial term of the pilot  
79 31 project is limited to the two-year period beginning July 1,  
79 32 2008, and ending June 30, 2010.

79 33 b. Under the pilot project, the department may enter into  
79 34 an agreement with the counties participating in the pilot  
79 35 project to administer a risk-based contract for the mental  
80 1 health, mental retardation, and developmental disabilities  
80 2 services provided by the participating counties. The pilot  
80 3 project provisions may include but are not limited to all of  
80 4 the following:

80 5 (1) Pooling of the participating counties services fund  
80 6 moneys.

80 7 (2) Pooling of waiver slots for the participating  
80 8 counties.

80 9 (3) To the extent allowed under federal requirements,  
80 10 decategorizing the funding streams for mental health, mental  
80 11 retardation, and developmental disabilities available to the  
80 12 counties participating in the pilot project.

80 13 (4) If the department implements a new program,  
80 14 initiative, or service addressing the needs of the populations  
80 15 receiving services paid for by a county services fund,  
80 16 adapting any associated requirements to optimize  
80 17 implementation within the pilot project counties.

80 18 c. For purposes of qualifying for the allowed growth and  
80 19 MH/DD community services fund moneys distributed under this  
80 20 section, the minimum levy and services fund ending balances of  
80 21 the counties participating in the pilot project may be  
80 22 combined and an average utilized to qualify for the moneys.

80 23 d. For the allowed growth and MH/DD community services  
80 24 fund moneys distributed for the fiscal year beginning July 1,  
80 25 2009, provided the counties participating in the pilot project  
80 26 do not reduce levies below the required percentages, the  
80 27 combined percentage of those moneys of such counties shall not  
80 28 be less than the combined percentage of such moneys in the  
80 29 preceding fiscal year.

80 30 e. A county's participation in the pilot project and the  
80 31 provisions of the pilot project must be agreed upon by the  
80 32 department and the board of supervisors of each of the  
80 33 counties participating in the pilot project.

80 34 f. The department may specify a minimum population level  
80 35 and other prerequisites for the consortium of counties  
81 1 participating in the pilot project.

81 2 g. The pilot project counties shall provide periodic  
81 3 performance and evaluation information to the department,  
81 4 governor, and general assembly.

81 5 Sec. 57. COUNTY=STATE SHARED FUNDING FOR MENTAL HEALTH AND  
81 6 DISABILITY SERVICES COVERED BY THE MEDICAID PROGRAM.

81 7 1. The legislative council is requested to authorize for  
81 8 the 2008 legislative interim a task force to consider  
81 9 county=state shared funding for mental health and disability  
81 10 services covered by the Medicaid program. The membership of  
81 11 the task force should include five legislators from each  
81 12 chamber, one member of the mental health, mental retardation,  
81 13 developmental disabilities, and brain injury (MH/MR/DD/BI)  
81 14 commission; three members of county boards of supervisors,  
81 15 with one each from a large, medium, and small population  
81 16 county; three staff members from the county central point of  
81 17 coordination (CPC) office, with one each from a large, medium,  
81 18 and small population county; two individuals representing  
81 19 advocacy organizations, one of which shall be the governor's  
81 20 developmental disabilities council; one current consumer of  
81 21 county MH/MR/DD services; and one MH/MR/DD/BI service provider  
81 22 representative from each of the state's five congressional  
81 23 districts.

81 24 2. The task force should be charged to review and estimate  
81 25 the shared impact for the state and for Iowa counties if  
81 26 financial responsibility for the nonfederal share of the costs  
81 27 of mental health and disability services covered under the  
81 28 Medicaid program is shifted from counties to the state. The  
81 29 task force should be charged to develop an eight-year  
81 30 transition plan that reflects the shared responsibility of  
81 31 costs and service delivery resulting from the shift in  
81 32 responsibilities. It is the intent of the general assembly  
81 33 that the task force will be formed by June 15, 2008, and meet  
81 34 a minimum of four times in 2008.

81 35 3. In addition to legislative staff, representatives of  
82 1 the department of management, the Iowa state association of  
82 2 counties, the department of human services, association of  
82 3 community providers, and Iowa substance abuse program  
82 4 directors association shall comprise a team of resource  
82 5 experts to the task force.

82 6 4. The task force's final report for consideration by the  
82 7 2009 regular session of the general assembly and governor  
82 8 shall include findings and recommendations and a service  
82 9 delivery and funding transition plan.

82 10 Sec. 58. COMMUNITY MENTAL HEALTH CENTER LAW UPDATE.

82 11 1. The administrator of the division of mental health and  
82 12 disability services of the department of human services shall  
82 13 appoint a stakeholder advisory committee to develop a proposal  
82 14 for updating and revising Code chapter 230A, relating to  
82 15 community mental health centers, and for revising the  
82 16 accreditation standards in rule that would result from the  
82 17 statutory revisions.

82 18 2. The membership of the advisory committee shall include  
82 19 all of the following:

82 20 a. Five voting members representing the board of directors  
82 21 and professional staff of community mental health centers and  
82 22 division staff, selected by the administrator.

82 23 b. Five voting members, not more than two of whom shall be  
82 24 employed by, providing services to, or otherwise affiliated  
82 25 with a community mental health center, selected one each by  
82 26 the following:

82 27 (1) The child welfare advisory committee established  
82 28 pursuant to section 234.3.

82 29 (2) The coalition for family and children's services in  
82 30 Iowa.

82 31 (3) The Iowa association of community providers.

82 32 (4) The Iowa chapter of the national association of social  
82 33 workers.

82 34 (5) The Iowa psychological association jointly with the  
82 35 Iowa psychiatric society.

83 1 c. Four ex officio, nonvoting members selected one each by  
83 2 the following:

83 3 (1) A member of the senate selected by the majority leader  
83 4 of the senate.

83 5 (2) A member of the senate selected by the minority leader  
83 6 of the senate.

83 7 (3) A member of the house of representatives selected by  
83 8 the speaker of the house of representatives.

83 9 (4) A member of the house of representatives selected by  
83 10 the minority leader of the house of representatives.

83 11 Those selecting the voting members of the advisory  
83 12 committee shall identify more than one option as necessary for  
83 13 the membership to comply with the political affiliation and  
83 14 gender balance requirements of sections 69.16 and 69.16A.

83 15 3. The advisory committee recommendations shall include

83 16 but are not limited to addressing Code chapter 230A  
83 17 requirements in the following areas: establishment and  
83 18 support of community mental health centers, services offered,  
83 19 consumer and family involvement, capability to address  
83 20 co-occurring disorders, forms of organization, board of  
83 21 directors, organization meetings, duties and powers of  
83 22 directors, center organization as a nonprofit entity, annual  
83 23 budget, financial support of centers through federal and state  
83 24 block grants, comprehensive community mental health programs,  
83 25 target populations to be served, emergency mental health  
83 26 crisis services, quality improvement programs, use of  
83 27 evidence-based practices, use of functional assessments and  
83 28 outcomes measures, establishment of standards, and review and  
83 29 evaluation processes.

83 30 4. The advisory committee shall submit its report with  
83 31 findings and recommendations to the governor and general  
83 32 assembly on or before December 1, 2008. Until the advisory  
83 33 committee report has been considered and acted upon by the  
83 34 general assembly, the division administrator may defer  
83 35 consideration of requests for accreditation of a new community  
84 1 mental health center or for approval of a provider to fill the  
84 2 role of a community mental health center.

84 3 DIVISION IV

84 4 HEALTH CARE TRUST FUND APPROPRIATIONS ==

84 5 HEALTH CARE ACTIVITIES

84 6 Sec. 59. DEPARTMENT OF PUBLIC HEALTH. The allocations  
84 7 made in this section may include amounts carried forward from  
84 8 appropriations and allocations made for the same purposes in  
84 9 the previous fiscal year. In addition to any other  
84 10 appropriation made in this Act for the purposes designated,  
84 11 there is appropriated from the health care trust fund created  
84 12 in section 453A.35A to the department of public health for the  
84 13 fiscal year beginning July 1, 2008, and ending June 30, 2009,  
84 14 the following amounts, or so much thereof as is necessary, for  
84 15 the purposes designated, and for not more than the following  
84 16 full-time equivalent positions:

84 17 1. ADDICTIVE DISORDERS

84 18 ..... \$ 2,955,164  
84 19 ..... FTEs 5.00

84 20 a. Of the funds appropriated in this subsection, \$450,000  
84 21 shall be used for culturally competent substance abuse  
84 22 treatment pilot projects.

84 23 (1) The department shall utilize the amount allocated in  
84 24 this lettered paragraph for at least three pilot projects to  
84 25 provide culturally competent substance abuse treatment in  
84 26 various areas of the state. Each pilot project shall target a  
84 27 particular ethnic minority population. The populations  
84 28 targeted shall include but are not limited to  
84 29 African-American, Asian, and Latino.

84 30 (2) The pilot project requirements shall provide for  
84 31 documentation or other means to ensure access to the cultural  
84 32 competence approach used by a pilot project so that such  
84 33 approach can be replicated and improved upon in successor  
84 34 programs.

84 35 b. Of the funds appropriated in this subsection,  
85 1 \$2,747,754 shall be used for tobacco use prevention,  
85 2 cessation, and treatment. The department shall utilize the  
85 3 funds to provide for a variety of activities related to  
85 4 tobacco use prevention, cessation, and treatment including to  
85 5 support Quitline Iowa, QuitNet cessation counseling and  
85 6 education, grants to school districts and community  
85 7 organizations to support Just Eliminate Lies youth chapters  
85 8 and youth tobacco prevention activities, the Just Eliminate  
85 9 Lies tobacco prevention media campaign, nicotine replacement  
85 10 therapy, and other prevention and cessation materials and  
85 11 media promotion. Of the funds allocated in this lettered  
85 12 paragraph, \$255,000 may be utilized by the department for  
85 13 administrative purposes.

85 14 c. Of the funds appropriated in this subsection, \$682,000  
85 15 shall be used for substance abuse treatment activities.

85 16 2. HEALTHY CHILDREN AND FAMILIES

85 17 ..... \$ 667,700  
85 18 ..... FTEs 1.00

85 19 a. Of the funds appropriated in this subsection, \$200,000  
85 20 shall be used to address the healthy mental development of  
85 21 children from birth through five years of age through local  
85 22 evidence-based strategies that engage both the public and  
85 23 private sectors in promoting healthy development, prevention,  
85 24 and treatment for children.

85 25 b. Of the funds appropriated in this subsection, \$180,000  
85 26 shall be used for childhood obesity prevention.

85 27 c. Of the funds appropriated in this subsection, \$39,000  
85 28 shall be used for the dental screening of children program  
85 29 pursuant to 2007 Iowa Acts, chapter 146, section 1.  
85 30 d. Of the funds appropriated in this subsection, \$10,000  
85 31 shall be used for public health education and awareness of the  
85 32 children's vision initiatives, including the InfantSee program  
85 33 and the student vision program, administered through a  
85 34 statewide association of optometric professionals for infants  
85 35 and preschool children.  
86 1 e. Of the funds appropriated in this subsection, \$238,500  
86 2 shall be used to provide audiological services and hearing  
86 3 aids for children. The department may enter into a contract  
86 4 to administer this paragraph.  
86 5 f. It is the intent of the general assembly that the  
86 6 department of public health shall implement the  
86 7 recommendations of the postnatal tissue and fluid bank task  
86 8 force created in 2007 Iowa Acts, chapter 147, based upon the  
86 9 report submitted to the general assembly in November 2007, as  
86 10 funding becomes available. The department shall notify the  
86 11 Iowa Code editor and the persons specified in this Act to  
86 12 receive reports when such funding becomes available.

86 13 3. CHRONIC CONDITIONS  
86 14 ..... \$ 1,164,181  
86 15 ..... FTEs 1.00

86 16 a. Of the funds appropriated in this subsection, \$473,981  
86 17 shall be used for child health specialty clinics.  
86 18 b. Of the funds appropriated in this subsection, \$500,000  
86 19 shall be used for the comprehensive cancer control program to  
86 20 reduce the burden of cancer in Iowa through prevention, early  
86 21 detection, effective treatment, and ensuring quality of life.  
86 22 The department shall utilize one of the full-time equivalent  
86 23 positions authorized in this subsection for administration of  
86 24 the activities related to the comprehensive cancer control  
86 25 program.  
86 26 c. Of the funds appropriated in this subsection, \$5,000  
86 27 shall be used for the hemophilia advisory council pursuant to  
86 28 chapter 135N.  
86 29 d. Of the funds appropriated in this subsection, \$200,000  
86 30 shall be used for cervical and colon cancer screening.

86 31 4. COMMUNITY CAPACITY  
86 32 ..... \$ 2,790,000  
86 33 ..... FTEs 6.00

86 34 a. Of the funds appropriated in this subsection, \$75,000  
86 35 shall be used to further develop and implement at the state  
87 1 level, and pilot at the local level, the Iowa public health  
87 2 standards approved by the department.  
87 3 b. Of the funds appropriated in this subsection, \$200,000  
87 4 shall be used for the mental health professional shortage area  
87 5 program implemented pursuant to section 135.80.  
87 6 c. Of the funds appropriated in this subsection, \$50,000  
87 7 shall be used for a grant to a statewide association of  
87 8 psychologists that is affiliated with the American  
87 9 psychological association to be used for continuation of a  
87 10 program to rotate intern psychologists in placements in urban  
87 11 and rural mental health professional shortage areas, as  
87 12 defined in section 135.80.  
87 13 d. Of the funds appropriated in this subsection, the  
87 14 following amounts shall be allocated to the Iowa collaborative  
87 15 safety net provider network established pursuant to section  
87 16 135.153 to be used for the purposes designated:  
87 17 (1) For distribution to the Iowa-Nebraska primary care  
87 18 association for statewide coordination of the Iowa  
87 19 collaborative safety net provider network:  
87 20 ..... \$ 100,000  
87 21 (2) For distribution to the Iowa family planning network  
87 22 agencies for necessary infrastructure, statewide coordination,  
87 23 provider recruitment, service delivery, and provision of  
87 24 assistance to patients in determining an appropriate medical  
87 25 home:  
87 26 ..... \$ 100,000  
87 27 (3) For distribution to the local boards of health that  
87 28 provide direct services for pilot programs in three counties  
87 29 to assist patients in determining an appropriate medical home:  
87 30 ..... \$ 100,000  
87 31 (4) For distribution to maternal and child health centers  
87 32 for pilot programs in three counties to assist patients in  
87 33 determining an appropriate medical home:  
87 34 ..... \$ 100,000  
87 35 (5) For distribution to free clinics for necessary  
88 1 infrastructure, statewide coordination, provider recruitment,  
88 2 service delivery, and provision of assistance to patients in

88 3 determining an appropriate medical home:  
88 4 ..... \$ 250,000  
88 5 (6) For distribution to rural health clinics for necessary  
88 6 infrastructure, statewide coordination, provider recruitment,  
88 7 service delivery, and provision of assistance to patients in  
88 8 determining an appropriate medical home:  
88 9 ..... \$ 150,000  
88 10 (7) For continuation of the safety net provider patient  
88 11 access to specialty health care initiative as described in  
88 12 2007 Iowa Acts, ch. 218, section 109:  
88 13 ..... \$ 400,000  
88 14 (8) For continuation of the pharmaceutical infrastructure  
88 15 for safety net providers as described in 2007 Iowa Acts, ch.  
88 16 218, section 108:  
88 17 ..... \$ 400,000  
88 18 The Iowa collaborative safety net provider network may  
88 19 continue to distribute funds allocated pursuant to this  
88 20 paragraph "d" through existing contracts or renewal of  
88 21 existing contracts.  
88 22 e. Of the funds appropriated in this subsection, \$650,000  
88 23 shall be used for the incubation grant program to community  
88 24 health centers that receive a total score of 85 based on the  
88 25 evaluation criteria of the health resources and services  
88 26 administration of the United States department of health and  
88 27 human services.  
88 28 f. Of the funds appropriated in this subsection, \$75,000  
88 29 shall be used for implementation of the recommendations of the  
88 30 direct care worker task force established pursuant to 2005  
88 31 Iowa Acts, chapter 88, based upon the report submitted to the  
88 32 governor and the general assembly in December 2006.  
88 33 g. Of the funds appropriated in this subsection, \$140,000  
88 34 shall be used for allocation to an independent statewide  
88 35 direct care worker association for education, outreach,  
89 1 leadership development, mentoring, and other initiatives  
89 2 intended to enhance the recruitment and retention of direct  
89 3 care workers in health and long-term care.  
89 4 h. The department shall utilize one of the full-time  
89 5 equivalent positions authorized in this subsection for  
89 6 administration of the activities related to the Iowa  
89 7 collaborative safety net provider network.  
89 8 i. The department shall utilize one of the full-time  
89 9 equivalent positions authorized in this subsection for  
89 10 administration of the voluntary health care provider program  
89 11 pursuant to section 135.24.  
89 12 Sec. 60. DEPARTMENT OF HUMAN SERVICES. In addition to any  
89 13 other appropriation made in this Act for the purposes  
89 14 designated, there is appropriated from the health care trust  
89 15 fund created in section 453A.35A to the department of human  
89 16 services for the fiscal year beginning July 1, 2008, and  
89 17 ending June 30, 2009, the following amounts, or so much  
89 18 thereof as is necessary, for the purposes designated:  
89 19 1. MEDICAL ASSISTANCE  
89 20 ..... \$113,690,856  
89 21 Of the funds appropriated in this subsection, \$250,000  
89 22 shall be used for the grant to the Iowa healthcare  
89 23 collaborative as described in section 135.40.  
89 24 2. MH/MR/DD ALLOWED GROWTH FACTOR  
89 25 ..... \$ 7,592,099  
89 26 The funds appropriated in this subsection shall be credited  
89 27 to the property tax relief fund created in section 426B.1.  
89 28 Sec. 61. BEHAVIORAL HEALTH == DEVELOPING WORKFORCE  
89 29 COMPETENCIES.  
89 30 1. The department of public health shall continue during  
89 31 the fiscal year beginning July 1, 2008, the collaborative work  
89 32 with the departments of corrections, education, elder affairs,  
89 33 and human services, and other state agencies, commenced  
89 34 pursuant to 2007 Iowa Acts, ch. 218, section 111, to enhance  
89 35 the workforce competencies of professional and direct care  
90 1 staff who provide behavioral health services, including but  
90 2 not limited to all of the following:  
90 3 a. Treatment of persons with co-occurring mental health  
90 4 and substance use disorders.  
90 5 b. Treatment of children with mental health or substance  
90 6 use disorders.  
90 7 c. Treatment of persons with serious mental illness.  
90 8 d. Treatment of veterans of United States or Iowa military  
90 9 service with mental health or substance use disorders.  
90 10 e. Treatment of older adults with mental health or  
90 11 substance use disorders.  
90 12 2. The department's collaborative effort shall utilize the  
90 13 findings of the substance abuse and mental health services

90 14 administration of the United States department of health and  
90 15 human services and materials developed by the Annapolis  
90 16 coalition on the behavioral health workforce in planning and  
90 17 implementing efforts to enhance the competency-based training  
90 18 of the state's behavioral health workforce.

90 19 DIVISION V

90 20 APPROPRIATION-RELATED CHANGES == EFFECTIVE DATE

90 21 Sec. 62. Section 35D.18, subsection 5, Code 2007, is  
90 22 amended to read as follows:

90 23 5. Notwithstanding section 8.33, ~~up to five hundred~~  
90 24 ~~thousand dollars of any balance in the Iowa veterans home~~  
90 25 ~~revenue annual appropriation or revenues that remain remains~~  
90 26 unencumbered or unobligated at the close of the fiscal year  
90 27 shall not revert but shall remain available for expenditure  
90 28 for specified purposes of the Iowa veterans home until the  
90 29 close of the succeeding fiscal year.

90 30 JUVENILE DETENTION HOME FUND

90 31 Sec. 63. HEALTHY IOWANS TOBACCO TRUST. There is  
90 32 appropriated from the healthy Iowans tobacco trust created in  
90 33 section 12.65, to the department of human services for the  
90 34 fiscal year beginning July 1, 2007, and ending June 30, 2008,  
90 35 for deposit in the juvenile detention home fund created in

91 1 section 232.142:  
91 2 ..... \$ 1,000,000

91 3 CHILD WELFARE DECATORIZATION

91 4 FY 2006=2007 NONREVERSION

91 5 Sec. 64. 2006 Iowa Acts, chapter 1184, section 17,  
91 6 subsection 4, is amended by adding the following new  
91 7 unnumbered paragraph:

91 8 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 232.188,  
91 9 subsection 5, moneys from the allocations made in this  
91 10 subsection or made from any other source for the  
91 11 decategorization of child welfare and juvenile justice funding  
91 12 initiative under section 232.188, that are designated as  
91 13 carryover funding and that remain unencumbered or unobligated  
91 14 at the close of the fiscal year beginning July 1, 2007, shall  
91 15 not revert but shall remain available for expenditure until  
91 16 the close of the succeeding fiscal year to be used for the  
91 17 purposes of continuing the initiative in the succeeding fiscal  
91 18 year.

91 19 VIETNAM CONFLICT VETERANS BONUS FUND

91 20 Sec. 65. 2007 Iowa Acts, chapter 176, section 3, is  
91 21 amended by adding the following new unnumbered paragraph:

91 22 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,  
91 23 moneys appropriated in this section that remain unencumbered  
91 24 or unobligated at the close of the fiscal year shall not  
91 25 revert but shall remain available for expenditure for the  
91 26 purposes designated until the close of the succeeding fiscal  
91 27 year.

91 28 INJURED VETERANS GRANT PROGRAM

91 29 Sec. 66. 2006 Iowa Acts, chapter 1184, section 5, as  
91 30 enacted by 2007 Iowa Acts, chapter 203, section 1, subsection  
91 31 4, unnumbered paragraph 2, is amended to read as follows:

91 32 Notwithstanding section 8.33, moneys appropriated in this  
91 33 subsection that remain unencumbered or unobligated at the  
91 34 close of the fiscal year shall not revert but shall remain  
91 35 available for expenditure for the purposes designated until  
92 1 the close of the ~~succeeding~~ fiscal year beginning July 1,  
92 2 2008.

92 3 DEPARTMENT OF ELDER AFFAIRS == LIVABLE

92 4 COMMUNITY INITIATIVE

92 5 Sec. 67. 2007 Iowa Acts, chapter 215, section 32, is  
92 6 amended by adding the following new subsection:

92 7 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys  
92 8 appropriated in this section that remain unencumbered or  
92 9 unobligated at the close of the fiscal year shall not revert  
92 10 but shall remain available for expenditure for the purposes  
92 11 designated until the close of the succeeding fiscal year.

92 12 CHRONIC CONDITIONS == PKU

92 13 Sec. 68. 2007 Iowa Acts, chapter 218, section 2,  
92 14 subsection 3, unnumbered paragraph 2, is amended to read as  
92 15 follows:

92 16 Of the funds appropriated in this subsection, \$100,000  
92 17 shall be used as additional funding to provide grants to  
92 18 individual patients who have phenylketonuria (PKU) to assist  
92 19 with the costs of necessary special foods. Notwithstanding  
92 20 section 8.33, moneys appropriated in this subsection and  
92 21 allocated in this paragraph that remain unencumbered or  
92 22 unobligated at the close of the fiscal year shall not revert  
92 23 but shall remain available for expenditure for the purposes  
92 24 designated until the close of the succeeding fiscal year.

92 25 PUBLIC PROTECTION == ANTIVIRAL STOCKPILE  
92 26 Sec. 69. 2007 Iowa Acts, chapter 218, section 2,  
92 27 subsection 8, paragraph d, is amended to read as follows:  
92 28 d. Of the funds appropriated in this subsection, \$150,000  
92 29 shall be used for management of the antiviral stockpile.  
92 30 Notwithstanding section 8.33, moneys appropriated in this  
92 31 subsection and allocated in this paragraph that remain  
92 32 unencumbered or unobligated at the close of the fiscal year  
92 33 shall not revert but shall remain available for expenditure  
92 34 for the purposes designated until the close of the succeeding  
92 35 fiscal year.

93 1 DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION  
93 2 Sec. 70. 2007 Iowa Acts, chapter 218, section 4,  
93 3 subsection 1, is amended by adding the following new  
93 4 unnumbered paragraph:  
93 5 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, up  
93 6 to \$100,000 of the moneys appropriated in this subsection that  
93 7 remain unencumbered or unobligated at the close of the fiscal  
93 8 year shall not revert but shall remain available for  
93 9 expenditure for the purposes designated in this paragraph  
93 10 until the close of the succeeding fiscal year. The purposes  
93 11 shall include the sign for the veterans cemetery and other  
93 12 necessary expenses.

93 13 COUNTY GRANT PROGRAM  
93 14 Sec. 71. 2007 Iowa Acts, chapter 218, section 4,  
93 15 subsection 4, unnumbered paragraph 3, is amended to read as  
93 16 follows:  
93 17 Notwithstanding section 8.33, moneys appropriated in this  
93 18 subsection that remain unencumbered or unobligated at the  
93 19 close of the fiscal year shall not revert ~~to the fund from~~  
93 20 ~~which appropriated but shall be credited to the veterans trust~~  
93 21 fund but shall remain available for expenditure for the  
93 22 purposes designated until the close of the succeeding fiscal  
93 23 year.

93 24 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES  
93 25 BLOCK GRANT == CHILD CARE  
93 26 Sec. 72. 2007 Iowa Acts, chapter 218, section 7,  
93 27 subsections 1 and 7, are amended to read as follows:  
93 28 1. To be credited to the family investment program account  
93 29 and used for assistance under the family investment program  
93 30 under chapter 239B:  
93 31 ..... \$ 36,890,944  
93 32 ..... 28,390,944  
93 33 7. For state child care assistance:  
93 34 ..... \$ 18,986,177  
93 35 ..... 27,486,177

94 1 a. Of the funds appropriated in this subsection, up to  
94 2 \$18,986,177 shall be transferred to the child care and  
94 3 development block grant appropriation made for the federal  
94 4 fiscal year beginning October 1, 2007, and ending September  
94 5 30, 2008, in 2007 Iowa Acts, ch. 204, section 14. Of this  
94 6 amount, \$200,000 shall be used for provision of educational  
94 7 opportunities to registered child care home providers in order  
94 8 to improve services and programs offered by this category of  
94 9 providers and to increase the number of providers. The  
94 10 department may contract with institutions of higher education  
94 11 or child care resource and referral centers to provide the  
94 12 educational opportunities. Allowable administrative costs  
94 13 under the contracts shall not exceed 5 percent. The  
94 14 application for a grant shall not exceed two pages in length.  
94 15 b. ~~The Any~~ funds appropriated in this subsection shall be  
94 16 ~~transferred to the child care and development block grant~~  
94 17 ~~appropriation that remain unallocated shall be used for state~~  
94 18 ~~child care assistance payments for individuals enrolled in the~~  
94 19 ~~family investment program who are employed.~~

94 20 FAMILY INVESTMENT PROGRAM ACCOUNT  
94 21 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY GRANT PROGRAM  
94 22 Sec. 73. 2007 Iowa Acts, chapter 218, section 8,  
94 23 subsection 4, paragraph b, is amended by adding the following  
94 24 new subparagraph:  
94 25 NEW SUBPARAGRAPH. (7) Notwithstanding section 8.33,  
94 26 moneys allocated in this lettered paragraph that remain  
94 27 unencumbered or unobligated at the close of the fiscal year  
94 28 shall not revert but shall remain available for expenditure  
94 29 for the purposes designated until the close of the succeeding  
94 30 fiscal year.

94 31 FAMILY INVESTMENT PROGRAM == TRANSITIONAL BENEFITS  
94 32 Sec. 74. 2007 Iowa Acts, chapter 218, section 8,  
94 33 subsection 4, paragraph d, is amended to read as follows:  
94 34 d. ~~For developing and implementing a new program to~~  
94 35 ~~provide transitional benefits to families with members who are~~

~~95 1 employed at the time the family leaves the family investment~~  
~~95 2 program in accordance with section 239B.11A, as enacted by~~  
~~95 3 this Act+~~  
95 4 ..... \$ 2,000,000  
95 5 The department may adopt emergency rules to implement the  
95 6 new program.

95 7 CHILDREN'S HEALTH INSURANCE PROGRAM  
95 8 Sec. 75. 2007 Iowa Acts, chapter 218, section 15, is  
95 9 amended by adding the following new subsection:  
95 10 NEW SUBSECTION. 4. Notwithstanding sections 8.33 and  
95 11 514I.11, up to \$441,000 of the moneys appropriated in this  
95 12 section that remain unencumbered or unobligated at the close  
95 13 of the fiscal year shall not revert to any other fund but  
95 14 shall instead be transferred to the appropriation made in  
95 15 section 16 of this Act for child care assistance to be used  
95 16 for the state child care assistance program until the close of  
95 17 the succeeding fiscal year.

95 18 CHILD AND FAMILY SERVICES  
95 19 TRANSFER FOR CHILD CARE  
95 20 Sec. 76. 2007 Iowa Acts, chapter 218, section 18,  
95 21 subsection 3, is amended to read as follows:  
95 22 3. The department may transfer funds appropriated in this  
95 23 section as necessary to pay the nonfederal costs of services  
95 24 reimbursed under the medical assistance program, the state  
95 25 child care assistance program, or the family investment  
95 26 program which are provided to children who would otherwise  
95 27 receive services paid under the appropriation in this section.  
95 28 The department may transfer funds appropriated in this section  
95 29 to the appropriations in this division of this Act for general  
95 30 administration and for field operations for resources  
95 31 necessary to implement and operate the services funded in this  
95 32 section.

95 33 CHILD AND FAMILY SERVICES FY 2007=2008  
95 34 Sec. 77. 2007 Iowa Acts, chapter 218, section 18, is  
95 35 amended by adding the following new subsection:  
96 1 NEW SUBSECTION. 5A. Notwithstanding sections 8.33 and  
96 2 232.188, up to \$6,600,000 of the funds appropriated in this  
96 3 section that could otherwise be designated as carryover  
96 4 funding under section 232.188 and that would remain  
96 5 unencumbered or unobligated at the close of the fiscal year  
96 6 shall instead be transferred to the appropriation made in  
96 7 section 16 of this Act for child care assistance to be used  
96 8 for the state child care assistance program until the close of  
96 9 the succeeding fiscal year.

96 10 CHILD AND FAMILY SERVICES  
96 11 PROTECTIVE CHILD CARE  
96 12 Sec. 78. 2007 Iowa Acts, chapter 218, section 18,  
96 13 subsection 9, is amended to read as follows:  
96 14 9. Of the funds appropriated in this section, at least  
96 15 \$3,696,285 shall be used for protective child care assistance.

96 16 JUVENILE DETENTION FUNDING  
96 17 Sec. 79. 2007 Iowa Acts, chapter 218, section 20, is  
96 18 amended to read as follows:  
96 19 SEC. 20. JUVENILE DETENTION HOME FUND. Moneys deposited  
96 20 in the juvenile detention home fund created in section 232.142  
96 21 during the fiscal year beginning July 1, 2007, and ending June  
96 22 30, 2008, are appropriated to the department of human services  
96 23 for the fiscal year beginning July 1, 2007, and ending June  
96 24 30, 2008, for distribution as follows:

96 25 1. ~~At~~ The following amount which is equal to more than 10  
96 26 percent of the costs of the establishment, improvement,  
96 27 operation, and maintenance of county or multicounty juvenile  
96 28 detention homes in the fiscal year beginning July 1, 2006.  
96 29 Moneys appropriated for distribution in accordance with this  
96 30 subsection shall be allocated among eligible detention homes,  
96 31 prorated on the basis of an eligible detention home's  
96 32 proportion of the costs of all eligible detention homes in the  
96 33 fiscal year beginning July 1, 2006. ~~Notwithstanding section~~  
~~96 34 232.142, subsection 3, the financial aid payable by the state~~  
~~96 35 under that provision for the fiscal year beginning July 1,~~  
~~97 1 2007, shall be limited to the amount appropriated for the~~  
~~97 2 purposes of this subsection.:~~

97 3 ..... \$ 3,764,041  
97 4 2. For renewal of a grant to a county with a population  
97 5 between 189,000 and 196,000 in the latest preceding certified  
97 6 federal census for implementation of the county's runaway  
97 7 treatment plan under section 232.195:  
97 8 ..... \$ 80,000  
97 9 3. For continuation and expansion of the community  
97 10 partnership for child protection sites:  
97 11 ..... \$ 418,000

97 12 4. For continuation of the department's minority youth and  
 97 13 family projects under the redesign of the child welfare  
 97 14 system:  
 97 15 ..... \$ 375,000  
 97 16 5. For funding of the state match for the federal  
 97 17 substance abuse and mental health services administration  
 97 18 (SAMHSA) system of care grant:  
 97 19 ..... \$ 400,000  
 97 20 ..... 300,000  
 97 21 6. For transfer to the appropriation made in this Act for  
 97 22 child and family services to supplement the statewide  
 97 23 expenditure target amount under section 232.143 designated in  
 97 24 the appropriation made in this Act for child and family  
 97 25 services:  
 97 26 ..... \$ 1,324,000  
 97 27 7. For training of nonlicensed relatives caring for  
 97 28 children in the child welfare system:  
 97 29 ..... \$ 276,000

97 30 ~~8. 6. The remainder for additional allocations to county~~  
 97 31 ~~or multicounty juvenile detention homes, in accordance with~~  
 97 32 ~~the distribution requirements of subsection 1 shall be~~  
 97 33 ~~credited to the appropriation made in section 18 of this Act~~  
 97 34 ~~for child and family services to supplement the statewide~~  
 97 35 ~~expenditure target amount under section 232.143 designated in~~  
 98 1 ~~that appropriation. Notwithstanding section 8.33, moneys~~  
 98 2 ~~credited pursuant to this subsection that remain unencumbered~~  
 98 3 ~~or unobligated at the close of the fiscal year shall not~~  
 98 4 ~~revert but shall remain available for expenditure for caseload~~  
 98 5 ~~growth in the preparation for adult living program pursuant to~~  
 98 6 ~~section 234.46 until the close of the succeeding fiscal year.~~

98 7 SEXUALLY VIOLENT PREDATORS

98 8 Sec. 80. 2007 Iowa Acts, chapter 218, section 27, is  
 98 9 amended by adding the following new subsection:  
 98 10 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys  
 98 11 appropriated in this section that remain unencumbered or  
 98 12 unobligated at the close of the fiscal year shall not revert  
 98 13 but shall remain available for expenditure for the purposes  
 98 14 designated until the close of the succeeding fiscal year.

98 15 DEPARTMENT OF HUMAN SERVICES FIELD OPERATIONS

98 16 Sec. 81. 2007 Iowa Acts, chapter 218, section 28, is  
 98 17 amended by adding the following new subsection:  
 98 18 NEW SUBSECTION. 4. Notwithstanding section 8.33, up to  
 98 19 \$1,500,000 of the moneys appropriated in this section that  
 98 20 remain unencumbered or unobligated at the close of the fiscal  
 98 21 year shall not revert but shall remain available for  
 98 22 expenditure for the purposes designated until the close of the  
 98 23 succeeding fiscal year.

98 24 DEPARTMENT OF HUMAN SERVICES GENERAL ADMINISTRATION

98 25 Sec. 82. 2007 Iowa Acts, chapter 218, section 29, is  
 98 26 amended by adding the following new subsections:  
 98 27 NEW SUBSECTION. 4. Of the funds appropriated in this  
 98 28 section, \$1,000,000 is transferred to the juvenile detention  
 98 29 home fund created in section 232.142.  
 98 30 NEW SUBSECTION. 5. Notwithstanding section 8.33, up to  
 98 31 \$110,000 of the moneys appropriated in this section that  
 98 32 remain unencumbered or unobligated at the close of the fiscal  
 98 33 year shall not revert but shall remain available for  
 98 34 expenditure for the purposes designated until the close of the  
 98 35 succeeding fiscal year.

99 1 ADJUSTMENT OF PHARMACY DISPENSING FEE

99 2 Sec. 83. 2007 Iowa Acts, chapter 218, section 31,  
 99 3 subsection 1, paragraph b, is amended to read as follows:  
 99 4 b. ~~(1)~~ For the fiscal year beginning July 1, 2007, the  
 99 5 department shall reimburse pharmacy dispensing fees using a  
 99 6 single rate of \$4.52 per prescription, or the pharmacy's usual  
 99 7 and customary fee, whichever is lower.

99 8 ~~(2) Beginning July 1, 2007, the department of human~~  
 99 9 ~~services shall adopt rules, pursuant to chapter 17A, to~~  
 99 10 ~~provide for the adjustment of the pharmacy dispensing fee to~~  
 99 11 ~~compensate for any reduction in the drug product cost~~  
 99 12 ~~reimbursement resulting from implementation of the average~~  
 99 13 ~~manufacturer price reimbursement standards for multisource~~  
 99 14 ~~generic drug products imposed pursuant to the federal Deficit~~  
 99 15 ~~Reduction Act of 2005, Pub. L. No. 109-171. In implementing~~  
 99 16 ~~the reimbursement, the department may adjust the reimbursement~~  
 99 17 ~~amount as necessary to provide reimbursement within the state~~  
 99 18 ~~funding appropriated for the fiscal year beginning July 1,~~  
 99 19 ~~2007, and ending June 30, 2008, for this purpose. The~~  
 99 20 ~~department shall submit a medical assistance state plan~~  
 99 21 ~~amendment to the centers for Medicare and Medicaid services of~~  
 99 22 ~~the United States department of health and human services as~~

99 23 ~~necessary to implement this subparagraph (2).~~

99 24 PHARMACEUTICAL SETTLEMENT ACCOUNT

99 25 Sec. 84. 2007 Iowa Acts, chapter 218, section 72, is  
99 26 amended to read as follows:

99 27 SEC. 72. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
99 28 appropriated from the pharmaceutical settlement account  
99 29 created in section 249A.33 to the department of human services  
99 30 for the fiscal year beginning July 1, 2007, and ending June  
99 31 30, 2008, the following amount, or so much thereof as is  
99 32 necessary, to be used for the purpose designated:

99 33 To supplement the appropriations made for medical contracts  
99 34 under the medical assistance program:

99 35 ..... \$ ~~1,323,833~~  
100 1 1,349,833

100 2 Of the funds appropriated in this section, notwithstanding  
100 3 section 249A.33, \$26,000 is transferred to the appropriation  
100 4 made in this Act from the general fund of the state to the  
100 5 department of public health for chronic conditions to be used  
100 6 for the center for congenital and inherited disorders  
100 7 established pursuant to section 136A.3.

100 8 IOWACARE COSTS

100 9 Sec. 85. 2007 Iowa Acts, chapter 218, section 74, is  
100 10 amended by adding the following new subsection:

100 11 NEW SUBSECTION. 8. For payment to the publicly owned  
100 12 acute care teaching hospital located in a county with a  
100 13 population of over 350,000 included in the expansion  
100 14 population provider network pursuant to chapter 249J:  
100 15 ..... \$ 230,000

100 16 Disbursements under this subsection shall be made monthly.  
100 17 The hospital shall submit a report following the close of the  
100 18 fiscal year regarding use of the funds appropriated in this  
100 19 subsection to the persons specified in this Act to receive  
100 20 reports.

100 21 TRANSFER OF BRAIN INJURY FUNDING TO MEDICAL ASSISTANCE

100 22 Sec. 86. 2006 Iowa Acts, chapter 1185, section 1,  
100 23 subsection 2, as amended by 2007 Iowa Acts, chapter 218,  
100 24 section 83, subsection 2, paragraph c, is amended by adding  
100 25 the following new unnumbered paragraph:

100 26 NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of  
100 27 law to the contrary, moneys that were transferred to the  
100 28 department of public health pursuant to this paragraph "c"  
100 29 that remain unencumbered or unobligated at the close of the  
100 30 fiscal year shall not revert but shall instead be transferred  
100 31 to the department of human services to the appropriation made  
100 32 for the medical assistance program in 2007 Iowa Acts, chapter  
100 33 218, section 11. Notwithstanding section 8.33, the  
100 34 transferred moneys shall not revert at the close of the fiscal  
100 35 year but shall instead remain available to be used for the  
101 1 medical assistance program in the succeeding fiscal year.

101 2 HEALTH CARE TRUST FUND

101 3 DEPARTMENT OF PUBLIC HEALTH == ADDICTIVE DISORDERS

101 4 Sec. 87. 2007 Iowa Acts, chapter 218, section 97,  
101 5 subsection 1, is amended by adding the following new  
101 6 paragraph:

101 7 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys  
101 8 appropriated and allocated in this subsection that remain  
101 9 unencumbered or unobligated at the close of the fiscal year  
101 10 shall not revert but shall remain available for expenditure  
101 11 for the purposes designated until the close of the succeeding  
101 12 fiscal year.

101 13 HEALTH CARE TRUST FUND == DEPARTMENT OF  
101 14 PUBLIC HEALTH == HEALTHY CHILDREN AND FAMILIES

101 15 Sec. 88. 2007 Iowa Acts, chapter 218, section 97,  
101 16 subsection 2, is amended by adding the following new  
101 17 paragraph:

101 18 NEW PARAGRAPH. g. Notwithstanding section 8.33, moneys  
101 19 appropriated and allocated in this subsection that remain  
101 20 unencumbered or unobligated at the close of the fiscal year  
101 21 shall not revert but shall remain available for expenditure  
101 22 for the purposes designated until the close of the succeeding  
101 23 fiscal year.

101 24 HEALTH CARE TRUST FUND == DEPARTMENT OF  
101 25 PUBLIC HEALTH == CHRONIC CONDITIONS

101 26 Sec. 89. 2007 Iowa Acts, chapter 218, section 97,  
101 27 subsection 3, is amended by adding the following new  
101 28 paragraph:

101 29 NEW PARAGRAPH. dd. Notwithstanding section 8.33, moneys  
101 30 appropriated and allocated in this subsection that remain  
101 31 unencumbered or unobligated at the close of the fiscal year  
101 32 shall not revert but shall remain available for expenditure  
101 33 for the purposes designated until the close of the succeeding

101 34 fiscal year.

101 35 HEALTH CARE TRUST FUND == DEPARTMENT OF

102 1 HUMAN SERVICES == STATE CHILDREN'S

102 2 HEALTH INSURANCE PROGRAM

102 3 Sec. 90. 2007 Iowa Acts, chapter 218, section 98,

102 4 subsection 2, is amended by adding the following new

102 5 paragraph:

102 6 NEW PARAGRAPH. d. Notwithstanding section 8.33, moneys

102 7 appropriated in this subsection that are allocated for

102 8 outreach and remain unencumbered or unobligated at the close

102 9 of the fiscal year, shall not revert but shall remain

102 10 available for expenditure for the purposes designated until

102 11 the close of the succeeding fiscal year.

102 12 Sec. 91. Section 239B.11A, Code Supplement 2007, is

102 13 repealed.

102 14 Sec. 92. EFFECTIVE DATE. This division of this Act, being

102 15 deemed of immediate importance, takes effect upon enactment.

102 16 DIVISION VI

102 17 PRIOR YEAR APPROPRIATION CHANGES

102 18

102 19 Sec. 93. 2007 Iowa Acts, chapter 214, section 9,

102 20 subsection 2, paragraph b, is amended to read as follows:

102 21 b. Psychiatric hospital

102 22 For salaries, support, maintenance, equipment,

102 23 miscellaneous purposes, for the care, treatment, and

102 24 maintenance of committed and voluntary public patients, and

102 25 for not more than the following full-time equivalent

102 26 positions:

102 27 ..... \$ ~~7,043,056~~

102 28

102 29 ..... FTEs 269.65<sup>0</sup>

102 30 Sec. 94. 2007 Iowa Acts, chapter 215, section 15,

102 31 unnumbered paragraph 1, is amended to read as follows:

102 32 There is appropriated from the general fund of the state to

102 33 the salary adjustment fund for distribution by the department

102 34 of management to the various state departments, boards,

102 35 commissions, councils, and agencies, including the state board

103 1 of regents except as otherwise provided, and the judicial

103 2 branch, for the fiscal year beginning July 1, 2007, and ending

103 3 June 30, 2008, the amount of ~~\$106,848,094~~ \$106,569,196, or so

103 4 much thereof as may be necessary, to fully fund annual pay

103 5 adjustments, expense reimbursements, and related benefits

103 6 implemented pursuant to the following:

103 7 Sec. 95. 2007 Iowa Acts, chapter 215, section 15, is

103 8 amended by adding the following new subsection:

103 9 NEW SUBSECTION. 16. The amount distributed to the state

103 10 psychiatric hospital administered by the state board of

103 11 regents from the appropriation in this section shall be

103 12 reduced to zero.

103 13 Sec. 96. 2007 Iowa Acts, chapter 218, section 11,

103 14 unnumbered paragraph 2, is amended to read as follows:

103 15 For medical assistance reimbursement and associated costs

103 16 as specifically provided in the reimbursement methodologies in

103 17 effect on June 30, 2007, except as otherwise expressly

103 18 authorized by law, including reimbursement for abortion

103 19 services, which shall be available under the medical

103 20 assistance program only for those abortions which are

103 21 medically necessary:

103 22 ..... ~~\$616,771,820~~

103 23 631,593,774

103 24 Sec. 97. 2007 Iowa Acts, chapter 218, section 11, is

103 25 amended by adding the following new subsections:

103 26 NEW SUBSECTION. 17. a. Of the funds appropriated in this

103 27 section, \$2,797,719 is allocated for state match for

103 28 disproportionate share hospital payment of \$7,321,954 to

103 29 hospitals that meet both of the following conditions:

103 30 (1) The hospital qualifies for disproportionate share and

103 31 graduate medical education payments.

103 32 (2) The hospital is an Iowa state-owned hospital with more

103 33 than 500 beds and eight or more distinct residency specialty

103 34 or subspecialty programs recognized by the American college of

103 35 graduate medical education.

104 1 b. Distribution of the disproportionate share payment

104 2 shall be made on a monthly basis. The total amount of

104 3 disproportionate share payments including graduate medical

104 4 education, enhanced disproportionate share, and Iowa

104 5 state-owned teaching hospital payments shall not exceed the

104 6 amount of the state's allotment under Pub. L. No. 102=234. In

104 7 addition, the total amount of all disproportionate share

104 8 payments shall not exceed the hospital-specific

104 9 disproportionate share limits under Pub. L. No. 103=66.

104 10 NEW SUBSECTION. 18. Of the funds appropriated in this  
104 11 section, \$4,524,235 is transferred to the IowaCare account  
104 12 created in section 249J.24 for the fiscal year beginning July  
104 13 1, 2007, and ending June 30, 2008.

104 14 NEW SUBSECTION. 19. The department shall immediately  
104 15 notify the governor and the general assembly of any changes in  
104 16 federal policies or application of policies that impact the  
104 17 distribution of hospital disproportionate share payments.

104 18 Sec. 98. 2007 Iowa Acts, chapter 218, section 73,  
104 19 subsection 2, is amended to read as follows:

104 20 2. There is appropriated from the IowaCare account created  
104 21 in section 249J.24 to the state board of regents for  
104 22 distribution to the university of Iowa hospitals and clinics  
104 23 for the fiscal year beginning July 1, 2007, and ending June  
104 24 30, 2008, the following amount, or so much thereof as is  
104 25 necessary, to be used for the purposes designated:

104 26 For salaries, support, maintenance, equipment, and  
104 27 miscellaneous purposes, for the provision of medical and  
104 28 surgical treatment of indigent patients, for provision of  
104 29 services to members of the expansion population pursuant to  
104 30 chapter 249J, and for medical education:

104 31 ..... \$ 10,000,000  
104 32 ..... 25,684,211

104 33 The amount appropriated in this subsection shall be  
104 34 distributed only if expansion population claims adjudicated  
104 35 and paid by the Iowa Medicaid enterprise exceed the  
105 1 appropriation to the state board of regents for distribution  
105 2 to the university of Iowa hospitals and clinics provided in  
105 3 subsection 1. The amount appropriated in this subsection  
105 4 shall be distributed monthly for expansion population claims  
105 5 adjudicated and approved for payment by the Iowa Medicaid  
105 6 enterprise using medical assistance program reimbursement  
105 7 rates.

105 8 Notwithstanding section 8.33, moneys appropriated in this  
105 9 subsection that remain unencumbered or unobligated at the  
105 10 close of the fiscal year shall not revert but shall remain  
105 11 available for expenditure for the purposes designated until  
105 12 the close of the succeeding fiscal year.

105 13 Sec. 99. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.  
105 14 This division of this Act, being deemed of immediate  
105 15 importance, takes effect upon enactment and is retroactively  
105 16 applicable to December 21, 2007.

105 17 DIVISION VII  
105 18 CODE CHANGES

105 19 Sec. 100. Section 28.9, subsection 5, Code 2007, is  
105 20 amended to read as follows:

105 21 5. ~~A community empowerment gifts and grants first years~~  
105 22 ~~first account is created in the Iowa empowerment fund under~~  
105 23 ~~the authority of the department of management. The account~~  
105 24 ~~shall consist of gift or grant moneys obtained from any~~  
105 25 ~~source, including but not limited to the federal government.~~  
105 26 ~~Moneys credited to the account are appropriated to the~~  
105 27 ~~department of management to be used for the community~~  
105 28 ~~empowerment-related purposes for which the moneys were~~  
105 29 ~~received.~~

105 30 Sec. 101. Section 135.22B, subsections 3 and 4, Code  
105 31 Supplement 2007, are amended to read as follows:

105 32 3. PURPOSE. The purpose of the brain injury services  
105 33 program is to provide services, service funding, or other  
105 34 support for persons with a brain injury under ~~one of the~~  
105 35 ~~cost=share program component or other~~ components established  
106 1 pursuant to this section. Implementation of the cost=share  
106 2 component or any other component of the program is subject to  
106 3 the funding made available for the program.

106 4 ~~4. GENERAL REQUIREMENTS -- WAIVER-ELIGIBLE COMPONENT.~~  
106 5 ~~a. The component of the brain injury services program for~~  
106 6 ~~persons eligible for the brain injury services waiver is~~  
106 7 ~~subject to the requirements provided in this subsection.~~  
106 8 ~~b. If a person is eligible for the brain injury services~~  
106 9 ~~waiver and is on the waiting list for the waiver but the~~  
106 10 ~~appropriation for the medical assistance program does not have~~  
106 11 ~~sufficient funding designated to pay the nonfederal share of~~  
106 12 ~~the costs to remove the person from the waiting list, the~~  
106 13 ~~brain injury services program may provide the funding for the~~  
106 14 ~~nonfederal share of the costs in order for the person to be~~  
106 15 ~~removed from the waiting list and receive services under the~~  
106 16 ~~waiver.~~

106 17 ~~c. A person who receives support under the waiver-eligible~~  
106 18 ~~component is not eligible to receive support under the~~  
106 19 ~~cost=share component of the program.~~

106 20 ~~d. Provision of funding under the waiver-eligible~~

~~106 21 component is not an entitlement. Subject to the department of  
106 22 human services requirements for the brain injury services  
106 23 waiver waiting list, the program administrator shall make the  
106 24 final determination whether funding will be authorized under  
106 25 this component.~~

106 26 Sec. 102. Section 135.22B, subsection 5, unnumbered  
106 27 paragraph 1, Code Supplement 2007, is amended to read as  
106 28 follows:

106 29 The cost-share component of the brain injury services  
106 30 program shall be directed to persons who have been determined  
106 31 to be ineligible for the brain injury services waiver or  
106 32 persons who are eligible for the waiver but funding was not  
106 33 authorized or available to provide waiver eligibility for the  
106 34 persons ~~under the waiver-eligible component~~. The cost-share  
106 35 component is subject to general requirements which shall  
107 1 include but are not limited to all of the following:

107 2 Sec. 103. Section 135.22B, subsection 8, paragraph a, Code  
107 3 Supplement 2007, is amended to read as follows:

107 4 a. The application materials for services under ~~both the~~  
107 5 ~~waiver-eligible and cost-share components~~ component of the  
107 6 brain injury services program shall use the application form  
107 7 and other materials of the brain injury services waiver. In  
107 8 order to apply for the brain injury services program, the  
107 9 applicant must authorize the department of human services to  
107 10 provide the applicant's waiver application materials to the  
107 11 brain injury services program. The application materials  
107 12 provided shall include but are not limited to the waiver  
107 13 application and any denial letter, financial assessment, and  
107 14 functional assessment regarding the person.

107 15 Sec. 104. NEW SECTION. 135.155 EARLY CHILDHOOD IOWA  
107 16 COUNCIL.

107 17 1. COUNCIL CREATED. An early childhood Iowa council is  
107 18 created as an alliance of stakeholders in early care, health,  
107 19 and education systems that affect children ages zero through  
107 20 five in Iowa.

107 21 2. PURPOSE. The purpose of the early childhood Iowa  
107 22 council is to oversee the development of an Iowa early  
107 23 childhood system by integrating the early care, health, and  
107 24 education systems addressing the needs of children ages zero  
107 25 through five and their families. The council shall advise the  
107 26 governor, general assembly, and public and private policy and  
107 27 service providers in coordinating activities throughout the  
107 28 state to fulfill its purpose.

107 29 3. VISION STATEMENT. All system development activities  
107 30 addressed by the early childhood Iowa council shall be aligned  
107 31 around the following vision statement for the children of  
107 32 Iowa: "Every child, beginning at birth, will be healthy and  
107 33 successful."

107 34 4. MEMBERSHIP. The early childhood Iowa council  
107 35 membership shall include a representative of any organization  
108 1 that touches the lives of young children in the state ages  
108 2 zero through five, has endorsed the purpose and vision  
108 3 statement for the council, has endorsed the guiding principles  
108 4 adopted by the council for the early childhood system, and has  
108 5 formally asked to be a member and remains actively engaged in  
108 6 council activities. The council shall work to ensure there is  
108 7 geographic, cultural, and ethnic diversity among the  
108 8 membership.

108 9 5. PROCEDURE. Except as otherwise provided by law, the  
108 10 early childhood Iowa council shall determine its own rules of  
108 11 procedure and operating provisions.

108 12 6. STEERING COMMITTEE. The early childhood Iowa council  
108 13 shall operate with a steering committee to organize, manage,  
108 14 and coordinate the activities of the council and its component  
108 15 groups. The steering committee may act on behalf of the  
108 16 council as necessary. The steering committee membership shall  
108 17 consist of the co-chairpersons of the council's component  
108 18 groups, the chairperson of the state agency liaison team, the  
108 19 community empowerment facilitator or the facilitator's  
108 20 designee, and other leaders designated by the council.

108 21 7. COMPONENT GROUPS. The early childhood Iowa council  
108 22 shall maintain component groups to address the key components  
108 23 of the Iowa early childhood system. Each component group  
108 24 shall have one private and one public agency co-chairperson.  
108 25 The council may change the component groups as deemed  
108 26 necessary by the advisory council. Initially, there shall be  
108 27 a component group for each of the following:

- 108 28 a. Governance planning and administration.
- 108 29 b. Professional development.
- 108 30 c. Public engagement.
- 108 31 d. Quality services and programs.

108 32 e. Resources and funding.  
108 33 f. Results accountability.  
108 34 8. STATE AGENCY LIAISON TEAM. A state agency liaison team  
108 35 shall provide input into the efforts of the early childhood  
109 1 Iowa council. In addition to designees of the governor, the  
109 2 team shall consist of the directors or chief administrators,  
109 3 or their designees, from the following state agencies and  
109 4 programs:  
109 5 a. Child health specialty clinics.  
109 6 b. Office of community empowerment in the department of  
109 7 management.  
109 8 c. Department of education.  
109 9 d. Division of libraries and information services of the  
109 10 department of education.  
109 11 e. Office of the governor.  
109 12 f. Department of human rights.  
109 13 g. Department of human services.  
109 14 h. Postsecondary education institutions, including but not  
109 15 limited to institutions of higher learning under the control  
109 16 of the state board of regents and Iowa community colleges.  
109 17 i. Department of public health.  
109 18 9. DUTIES. In addition to the advisory function specified  
109 19 in subsection 2, the early childhood Iowa council's duties  
109 20 shall include but are not limited to all of the following  
109 21 regarding the Iowa early childhood system:  
109 22 a. Coordinate the development and implementation of a  
109 23 strategic plan.  
109 24 b. Assist in the development of responsibilities across  
109 25 agencies and other entities to achieve strategic goals.  
109 26 c. Work with the Iowa empowerment board in developing  
109 27 public-private partnerships to support the early childhood  
109 28 system through the first years first account in the Iowa  
109 29 empowerment fund and other efforts for expanding investment of  
109 30 private funding in the early childhood system. As this and  
109 31 similar efforts to expand and coordinate investments from all  
109 32 public and private sources evolve and mature, make  
109 33 recommendations for designation of or contracting with a  
109 34 private nonprofit organization to serve as a fiscal agent for  
109 35 the early childhood system or another approach for increasing  
110 1 public and private investment in the system.  
110 2 d. Report annually by December 31 to the governor and  
110 3 general assembly. The report content shall include but is not  
110 4 limited to all of the following:  
110 5 (1) The status and results of the council's efforts to  
110 6 engage the public regarding the early care, health, and  
110 7 education needs of children ages zero through five and the  
110 8 efforts to develop and promote private sector involvement with  
110 9 the early childhood system.  
110 10 (2) The status of the community empowerment initiative and  
110 11 the overall early childhood system in achieving the following  
110 12 initial set of desired results identified in section 28.2:  
110 13 (a) Healthy children.  
110 14 (b) Children ready to succeed in school.  
110 15 (c) Safe and supportive communities.  
110 16 (d) Secure and nurturing families.  
110 17 (e) Secure and nurturing early care and education  
110 18 environments.  
110 19 Sec. 105. NEW SECTION. 135.156 LEAD AGENCY AND OTHER  
110 20 STATE AGENCIES.  
110 21 1. The lead agency for support of the early childhood Iowa  
110 22 council for state agency efforts to develop an early childhood  
110 23 system for Iowa shall be the department of public health.  
110 24 2. The department shall work with the early childhood Iowa  
110 25 council in integrating early care, health, and education  
110 26 systems to develop an early childhood system for Iowa. The  
110 27 department shall do all of the following in developing the  
110 28 system:  
110 29 a. Work with state agencies to enter into memorandums of  
110 30 understanding outlining the agencies' responsibilities in the  
110 31 system.  
110 32 b. Work with private businesses, foundations, and  
110 33 nonprofit organizations in implementing a public-private  
110 34 partnership to develop and provide funding for the system.  
110 35 c. Maintain an internet site for distributing the  
111 1 information provided through the council and its component  
111 2 groups.  
111 3 Sec. 106. Section 135B.34, Code 2007, is amended by  
111 4 striking the section and inserting in lieu thereof the  
111 5 following:  
111 6 135B.34 HOSPITAL EMPLOYEES == CRIMINAL HISTORY AND ABUSE  
111 7 RECORD CHECKS == PENALTY.

111 8 1. Prior to employment of a person in a hospital, the  
111 9 hospital shall request that the department of public safety  
111 10 perform a criminal history check and the department of human  
111 11 services perform child and dependent adult abuse record checks  
111 12 of the person in this state. A hospital shall inform all  
111 13 persons prior to employment regarding the performance of the  
111 14 records checks and shall obtain, from the persons, a signed  
111 15 acknowledgment of the receipt of the information. A hospital  
111 16 shall include the following inquiry in an application for  
111 17 employment: "Do you have a record of founded child or  
111 18 dependent adult abuse or have you ever been convicted of a  
111 19 crime, in this state or any other state?"

111 20 2. a. If it is determined that a person being considered  
111 21 for employment in a hospital has committed a crime, the  
111 22 department of public safety shall notify the hospital that  
111 23 upon the request of the hospital the department of human  
111 24 services will perform an evaluation to determine whether the  
111 25 crime warrants prohibition of the person's employment in the  
111 26 hospital.

111 27 b. If a department of human services child or dependent  
111 28 adult abuse record check shows that the person has a record of  
111 29 founded child or dependent adult abuse, the department of  
111 30 human services shall notify the hospital that upon the request  
111 31 of the hospital the department of human services will perform  
111 32 an evaluation to determine whether the founded child or  
111 33 dependent adult abuse warrants prohibition of the person's  
111 34 employment in the hospital.

111 35 c. An evaluation performed under this subsection shall be  
112 1 performed in accordance with procedures adopted for this  
112 2 purpose by the department of human services.

112 3 d. (1) If a person owns or operates more than one  
112 4 hospital, and an employee of one of such hospitals is  
112 5 transferred to another such hospital without a lapse in  
112 6 employment, the hospital is not required to request additional  
112 7 criminal and child and dependent adult abuse records checks of  
112 8 that employee.

112 9 (2) If the ownership of a hospital is transferred, at the  
112 10 time of transfer the records checks required by this section  
112 11 shall be performed for each employee for whom there is no  
112 12 documentation that such records checks have been performed.  
112 13 The hospital may continue to employ such employee pending the  
112 14 performance of the records checks and any related evaluation.

112 15 3. In an evaluation, the department of human services  
112 16 shall consider the nature and seriousness of the crime or  
112 17 founded child or dependent adult abuse in relation to the  
112 18 position sought or held, the time elapsed since the commission  
112 19 of the crime or founded child or dependent adult abuse, the  
112 20 circumstances under which the crime or founded child or  
112 21 dependent adult abuse was committed, the degree of  
112 22 rehabilitation, the likelihood that the person will commit the  
112 23 crime or founded child or dependent adult abuse again, and the  
112 24 number of crimes or founded child or dependent adult abuses  
112 25 committed by the person involved. If the department of human  
112 26 services performs an evaluation for the purposes of this  
112 27 section, the department of human services has final authority  
112 28 in determining whether prohibition of the person's employment  
112 29 is warranted.

112 30 4. a. Except as provided in paragraph "b" and subsection  
112 31 2, a person who has committed a crime or has a record of  
112 32 founded child or dependent adult abuse shall not be employed  
112 33 in a hospital licensed under this chapter unless an evaluation  
112 34 has been performed by the department of human services.

112 35 b. A person with a criminal or abuse record who is  
113 1 employed by a hospital licensed under this chapter and is  
113 2 hired by another licensee without a lapse in employment shall  
113 3 be subject to the criminal history and abuse record checks  
113 4 required pursuant to subsection 1. If an evaluation was  
113 5 previously performed by the department of human services  
113 6 concerning the person's criminal or abuse record and it was  
113 7 determined that the record did not warrant prohibition of the  
113 8 person's employment and the latest record checks do not  
113 9 indicate a crime was committed or founded abuse record was  
113 10 entered subsequent to that evaluation, the person may commence  
113 11 employment with the other licensee while the department of  
113 12 human services' evaluation of the latest record checks is  
113 13 pending. Otherwise, the requirements of paragraph "a" remain  
113 14 applicable to the person's employment.

113 15 5. a. If a person employed by a hospital that is subject  
113 16 to this section is convicted of a crime or has a record of  
113 17 founded child or dependent adult abuse entered in the abuse  
113 18 registry after the person's employment application date, the

113 19 person shall inform the hospital of such information within  
113 20 forty=eight hours of the criminal conviction or entry of the  
113 21 record of founded child or dependent adult abuse. The  
113 22 hospital shall act to verify the information within  
113 23 forty=eight hours of notification. If the information is  
113 24 verified, the requirements of subsections 2, 3, and 4  
113 25 regarding employability and evaluations shall be applied by  
113 26 the hospital to determine whether or not the person's  
113 27 employment is continued. The hospital may continue to employ  
113 28 the person pending the performance of an evaluation by the  
113 29 department of human services to determine whether prohibition  
113 30 of the person's employment is warranted. A person who is  
113 31 required by this subsection to inform the person's employer of  
113 32 a conviction or entry of an abuse record and fails to do so  
113 33 within the required period commits a serious misdemeanor.

113 34 b. If a hospital receives credible information, as  
113 35 determined by the hospital, that a person employed by the  
114 1 hospital has been convicted of a crime or a record of founded  
114 2 child or dependent adult abuse has been entered in the abuse  
114 3 registry after employment from a person other than the  
114 4 employee and the employee has not informed the hospital of  
114 5 such information within the period required under paragraph  
114 6 "a", the hospital shall act to verify the credible information  
114 7 within forty=eight hours of receipt of the credible  
114 8 information. If the information is verified, the requirements  
114 9 of subsections 2, 3, and 4 regarding employability and  
114 10 evaluations shall be applied by the hospital to determine  
114 11 whether or not the person's employment is continued.

114 12 c. The hospital may notify the county attorney for the  
114 13 county where the hospital is located of any violation or  
114 14 failure by an employee to notify the hospital of a criminal  
114 15 conviction or entry of an abuse record within the period  
114 16 required under paragraph "a".

114 17 6. A hospital licensed in this state may access the single  
114 18 contact repository established by the department pursuant to  
114 19 section 135C.33 as necessary for the hospital to perform  
114 20 record checks of persons employed or being considered for  
114 21 employment by the hospital.

114 22 Sec. 107. Section 135C.33, Code 2007, is amended to read  
114 23 as follows:

114 24 135C.33 EMPLOYEES == CHILD OR DEPENDENT ADULT ABUSE  
114 25 INFORMATION AND CRIMINAL RECORDS RECORD CHECKS == EVALUATIONS  
114 26 == APPLICATION TO OTHER PROVIDERS == PENALTY.

114 27 1. ~~Beginning July 1, 1997, prior~~ Prior to employment of a  
114 28 person in a facility, the facility shall request that the  
114 29 department of public safety perform a criminal history check  
114 30 and the department of human services perform ~~a child and~~  
114 31 ~~dependent adult abuse record check checks~~ of the person in  
114 32 this state. ~~In addition, the facility may request that the~~  
114 33 ~~department of human services perform a child abuse record~~  
114 34 ~~check in this state. Beginning July 1, 1997, a~~ A facility  
114 35 shall inform all persons prior to employment regarding the  
115 1 performance of the records checks and shall obtain, from the  
115 2 persons, a signed acknowledgment of the receipt of the  
115 3 information. ~~Additionally, a~~ A facility shall include the  
115 4 following inquiry in an application for employment: "Do you  
115 5 have a record of founded child or dependent adult abuse or  
115 6 have you ever been convicted of a crime, in this state or any  
115 7 other state?"

115 8 2. ~~a. If the it is determined that a person being~~  
115 9 ~~considered for employment in a facility has been convicted of~~  
115 10 ~~a crime under a law of any state or has a record of founded~~  
115 11 ~~child or dependent adult abuse, the department of public~~  
115 12 ~~safety shall notify the licensee that upon the request of the~~  
115 13 ~~licensee the department of human services shall, upon the~~  
115 14 ~~facility's request, perform an evaluation will perform an~~  
115 15 ~~evaluation to determine whether the crime or founded child or~~  
115 16 ~~dependent adult abuse warrants prohibition of the person's~~  
115 17 ~~employment in the facility.~~

115 18 b. ~~If a department of human services child or dependent~~  
115 19 ~~adult abuse record check shows that such person has a record~~  
115 20 ~~of founded child or dependent adult abuse, the department of~~  
115 21 ~~human services shall notify the licensee that upon the request~~  
115 22 ~~of the licensee the department of human services will perform~~  
115 23 ~~an evaluation to determine whether the founded child or~~  
115 24 ~~dependent adult abuse warrants prohibition of employment in~~  
115 25 ~~the facility.~~

115 26 c. ~~The An~~ An evaluation performed under this subsection shall  
115 27 be performed in accordance with procedures adopted for this  
115 28 purpose by the department of human services.

115 29 d. (1) If a person owns or operates more than one

115 30 facility, and an employee of one of such facilities is  
115 31 transferred to another such facility without a lapse in  
115 32 employment, the facility is not required to request additional  
115 33 criminal and child and dependent adult abuse record checks of  
115 34 that employee.

115 35 (2) If the ownership of a facility is transferred, at the  
116 1 time of transfer the records checks required by this section  
116 2 shall be performed for each employee for whom there is no  
116 3 documentation that such records checks have been performed.  
116 4 The facility may continue to employ such employee pending the  
116 5 performance of the records checks and any related evaluation.

116 6 ~~2. If the department of public safety determines that a~~  
116 7 ~~person has committed a crime and is to be employed in a~~  
116 8 ~~facility licensed under this chapter, the department of public~~  
116 9 ~~safety shall notify the licensee that an evaluation, if~~  
116 10 ~~requested by the facility, will be conducted by the department~~  
116 11 ~~of human services to determine whether prohibition of the~~  
116 12 ~~person's employment is warranted. If a department of human~~  
116 13 ~~services child or dependent adult abuse record check shows~~  
116 14 ~~that the person has a record of founded child or dependent~~  
116 15 ~~adult abuse, the department of human services shall inform the~~  
116 16 ~~licensee that an evaluation, if requested by the facility,~~  
116 17 ~~will be conducted to determine whether prohibition of the~~  
116 18 ~~person's employment is warranted.~~

116 19 3. In an evaluation, the department of human services  
116 20 shall consider the nature and seriousness of the crime or  
116 21 founded child or dependent adult abuse in relation to the  
116 22 position sought or held, the time elapsed since the commission  
116 23 of the crime or founded child or dependent adult abuse, the  
116 24 circumstances under which the crime or founded child or  
116 25 dependent adult abuse was committed, the degree of  
116 26 rehabilitation, the likelihood that the person will commit the  
116 27 crime or founded child or dependent adult abuse again, and the  
116 28 number of crimes or founded child or dependent adult abuses  
116 29 committed by the person involved. ~~The~~ If the department of  
116 30 human services performs an evaluation for the purposes of this  
116 31 section, the department of human services has final authority  
116 32 in determining whether prohibition of the person's employment  
116 33 is warranted.

116 34 4. a. Except as provided in paragraph "b" and subsection  
116 35 2, a person who has committed a crime or has a record of  
117 1 founded child or dependent adult abuse shall not be employed  
117 2 in a facility licensed under this chapter unless an evaluation  
117 3 has been performed by the department of human services. ~~If~~  
117 4 ~~the department of human services determines from the~~  
117 5 ~~evaluation that the person has committed a crime or has a~~  
117 6 ~~record of founded child or dependent adult abuse which~~  
117 7 ~~warrants prohibition of employment, the person shall not be~~  
117 8 ~~employed in a facility licensed under this chapter.~~

117 9 b. A person with a criminal or abuse record who is  
117 10 employed by a facility licensed under this chapter and is  
117 11 hired by another licensee without a lapse in employment shall  
117 12 be subject to the criminal history and abuse record checks  
117 13 required pursuant to subsection 1. If an evaluation was  
117 14 previously performed by the department of human services  
117 15 concerning the person's criminal or abuse record and it was  
117 16 determined that the record did not warrant prohibition of the  
117 17 person's employment and the latest record checks do not  
117 18 indicate a crime was committed or founded abuse record was  
117 19 entered subsequent to that evaluation, the person may commence  
117 20 employment with the other licensee while the department of  
117 21 human services' evaluation of the latest record checks is  
117 22 pending. Otherwise, the requirements of paragraph "a" remain  
117 23 applicable to the person's employment.

117 24 5. ~~a. Beginning July 1, 1998, this~~ This section shall  
117 25 also apply to prospective employees of all of the following,  
117 26 if the provider is regulated by the state or receives any  
117 27 state or federal funding:

117 28 ~~a-~~ (1) An employee of a homemaker, home=health aide,  
117 29 home=care aide, adult day services, or other provider of  
117 30 in=home services if the employee provides direct services to  
117 31 consumers.

117 32 ~~b-~~ (2) An employee of a hospice, if the employee provides  
117 33 direct services to consumers.

117 34 ~~c-~~ (3) An employee who provides direct services to  
117 35 consumers under a federal home and community-based services  
118 1 waiver.

118 2 ~~d-~~ (4) An employee of an elder group home certified under  
118 3 chapter 231B, if the employee provides direct services to  
118 4 consumers.

118 5 ~~e-~~ (5) An employee of an assisted living program

118 6 certified under chapter 231C, if the employee provides direct  
118 7 services to consumers.  
118 8 b. In substantial conformance with the provisions of this  
118 9 section, prior to the employment of such an employee, the  
118 10 provider shall request the performance of the criminal and  
118 11 child and dependent adult abuse record checks and may request  
118 12 the performance of the child abuse record checks. The  
118 13 provider shall inform the prospective employee and obtain the  
118 14 prospective employee's signed acknowledgment. The department  
118 15 of human services shall perform the evaluation of any criminal  
118 16 record or founded child or dependent adult abuse record and  
118 17 shall make the determination of whether a prospective employee  
118 18 of a provider shall not be employed by the provider.

118 19 6. a. The department of inspections and appeals, in  
118 20 conjunction with other departments and agencies of state  
118 21 government involved with criminal history and abuse registry  
118 22 information, shall establish a single contact repository for  
118 23 facilities and other providers to have electronic access to  
118 24 data to perform background checks for purposes of employment,  
118 25 as required of the facilities and other providers under this  
118 26 section.

118 27 b. The department may access the single contact repository  
118 28 for any of the following purposes:

118 29 (1) To verify data transferred from the department's nurse  
118 30 aide registry to the repository.

118 31 (2) To conduct record checks of applicants for employment  
118 32 with the department.

118 33 7. a. If a person employed by a facility, service, or  
118 34 program employer that is subject to this section is convicted  
118 35 of a crime or has a record of founded child or dependent adult  
119 1 abuse entered in the abuse registry after the person's  
119 2 employment application date, the person shall inform the  
119 3 employer of such information within forty-eight hours of the  
119 4 criminal conviction or entry of the record of founded child or  
119 5 dependent adult abuse. The employer shall act to verify the  
119 6 information within forty-eight hours of notification. If the  
119 7 information is verified, the requirements of subsections 2, 3,  
119 8 and 4 regarding employability and evaluations shall be applied  
119 9 by the employer to determine whether or not the person's  
119 10 employment is continued. The employer may continue to employ  
119 11 the person pending the performance of an evaluation by the  
119 12 department of human services to determine whether prohibition  
119 13 of the person's employment is warranted. A person who is  
119 14 required by this subsection to inform the person's employer of  
119 15 a conviction or entry of an abuse record and fails to do so  
119 16 within the required period commits a serious misdemeanor.

119 17 b. If a facility, service, or program employer receives  
119 18 credible information, as determined by the employer, that a  
119 19 person employed by the employer has been convicted of a crime  
119 20 or a record of founded child or dependent adult abuse has been  
119 21 entered in the abuse registry after employment from a person  
119 22 other than the employee and the employee has not informed the  
119 23 employer of such information within the period required under  
119 24 paragraph "a", the employer shall act to verify the credible  
119 25 information within forty-eight hours of receipt of the  
119 26 credible information. If the information is verified, the  
119 27 requirements of subsections 2, 3, and 4 regarding  
119 28 employability and evaluations shall be applied to determine  
119 29 whether or not the person's employment is continued.

119 30 c. The employer may notify the county attorney for the  
119 31 county where the employer is located of any violation or  
119 32 failure by an employee to notify the employer of a criminal  
119 33 conviction or entry of an abuse record within the period  
119 34 required under paragraph "a".

119 35 Sec. 108. Section 135H.3, Code 2007, is amended to read as  
120 1 follows:

120 2 135H.3 NATURE OF CARE.

120 3 1. A psychiatric medical institution for children shall  
120 4 utilize a team of professionals to direct an organized program  
120 5 of diagnostic services, psychiatric services, nursing care,  
120 6 and rehabilitative services to meet the needs of residents in  
120 7 accordance with a medical care plan developed for each  
120 8 resident. Social and rehabilitative services shall be  
120 9 provided under the direction of a qualified mental health  
120 10 professional.

120 11 2. A child who requires treatment for a biologically based  
120 12 mental illness as defined in section 514C.22, and meets the  
120 13 medical assistance program criteria for admission to a  
120 14 psychiatric medical institution for children shall be deemed  
120 15 to meet the acuity criteria for inpatient benefits under a  
120 16 group policy, contract, or plan providing for third-party

120 17 payment or prepayment of health, medical, and surgical  
120 18 coverage benefits issued by a carrier, as defined in section  
120 19 513B.2, or by an organized delivery system authorized under  
120 20 1993 Iowa Acts, chapter 158, that is subject to section  
120 21 514C.22.

120 22 Sec. 109. Section 217.19, Code 2007, is amended by adding  
120 23 the following new unnumbered paragraph:  
120 24 NEW UNNUMBERED PARAGRAPH. The department of administrative  
120 25 services shall work with the department of human services to  
120 26 develop and implement an expense policy applicable to the  
120 27 members of a board, commission, committee, or other body under  
120 28 the auspices of the department of human services who meet the  
120 29 income requirements for payment of per diem in accordance with  
120 30 section 7E.6, subsection 2. The policy shall allow for the  
120 31 payment of the member's expenses to be addressed through use  
120 32 of direct billings, travel purchase card, prepaid expenses, or  
120 33 other alternative means of addressing the expenses in lieu of  
120 34 reimbursement of the member.

120 35 Sec. 110. Section 225C.40, Code 2007, is amended by adding  
121 1 the following new subsection:

121 2 NEW SUBSECTION. 4. If a family appeals the termination of  
121 3 a family member who has attained the age of eighteen years,  
121 4 family support subsidy payments for that family member shall  
121 5 be withheld pending resolution of the appeal.

121 6 Sec. 111. NEW SECTION. 234.47 STATE CHILD CARE  
121 7 ASSISTANCE AND ADOPTION SUBSIDY PROGRAMS == EXPENDITURE  
121 8 PROJECTIONS. The department of human services, the department  
121 9 of management, and the legislative services agency shall  
121 10 utilize a joint process to arrive at consensus projections for  
121 11 expenditures for the state child care assistance program under  
121 12 section 237A.13 and adoption subsidy and other assistance  
121 13 provided under section 600.17.

121 14 Sec. 112. Section 235B.6, subsection 2, Code Supplement  
121 15 2007, is amended by adding the following new paragraph:

121 16 NEW PARAGRAPH. f. To a person who submits written  
121 17 authorization from an individual allowing the person access to  
121 18 information on the determination only on whether or not the  
121 19 individual who authorized the access is named in a founded  
121 20 dependent adult abuse report as having abused a dependent  
121 21 adult.

121 22 Sec. 113. Section 237A.3, Code 2007, is amended by adding  
121 23 the following new subsection:

121 24 NEW SUBSECTION. 3. The location at which the child care  
121 25 is provided shall be a single-family residence that is owned,  
121 26 rented, or leased by the person or program providing the child  
121 27 care. For purposes of this subsection, a "single-family  
121 28 residence" includes an apartment, condominium, townhouse, or  
121 29 other individual unit within a multiple unit residential  
121 30 dwelling, but does not include a commercial or industrial  
121 31 building that is primarily used for purposes other than a  
121 32 residence.

121 33 Sec. 114. Section 237A.3A, subsection 3, Code 2007, is  
121 34 amended by adding the following new paragraph:

121 35 NEW PARAGRAPH. d. The rules shall require a child  
122 1 development home to be located in a single-family residence  
122 2 that is owned, rented, or leased by the person or, for dual  
122 3 registrations, at least one of the persons who is named on the  
122 4 child development home's certificate of registration. For  
122 5 purposes of this paragraph, a "single-family residence"  
122 6 includes an apartment, condominium, townhouse, or other  
122 7 individual unit within a multiple unit residential dwelling,  
122 8 but does not include a commercial or industrial building that  
122 9 is primarily used for purposes other than a residence.

122 10 Sec. 115. Section 237A.5, subsection 2, Code 2007, is  
122 11 amended by adding the following new paragraph:

122 12 NEW PARAGRAPH. cc. If a record check performed in  
122 13 accordance with paragraph "b" or "c" identifies that an  
122 14 individual is a person subject to an evaluation, the  
122 15 department shall perform the evaluation in accordance with  
122 16 this subsection, even if the application which made the person  
122 17 subject to the record check is withdrawn or the circumstances  
122 18 which made the person subject to the record check are no  
122 19 longer applicable. If the department's evaluation determines  
122 20 that prohibition of the person's involvement with child care  
122 21 is warranted, the provisions of this subsection regarding such  
122 22 a prohibition shall apply.

122 23 Sec. 116. Section 237A.13, subsection 8, Code Supplement  
122 24 2007, is amended by striking the subsection.

122 25 Sec. 117. NEW SECTION. 249A.15A LICENSED MARITAL AND  
122 26 FAMILY THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

122 27 1. The department shall adopt rules pursuant to chapter

122 28 17A entitling marital and family therapists who are licensed  
122 29 pursuant to chapter 154D to payment for behavioral health  
122 30 services provided to recipients of medical assistance, subject  
122 31 to limitations and exclusions the department finds necessary  
122 32 on the basis of federal laws and regulations.

122 33 2. The department shall adopt rules pursuant to chapter  
122 34 17A entitling master social workers who hold a master's degree  
122 35 approved by the board of social work, are licensed as a master  
123 1 social worker pursuant to section 154C.3, subsection 1,  
123 2 paragraph "b", and provide treatment services under the  
123 3 supervision of an independent social worker licensed pursuant  
123 4 to section 154C.3, subsection 1, paragraph "c", to payment for  
123 5 behavioral health services provided to recipients of medial  
123 6 assistance, subject to limitations and exclusions the  
123 7 department finds necessary on the basis of federal laws and  
123 8 regulations.

123 9 Sec. 118. Section 249J.20, subsections 2 and 4, Code 2007,  
123 10 are amended to read as follows:

123 11 2. The council shall meet as often as deemed necessary,  
123 12 but shall meet at least ~~quarterly~~ annually. The council may  
123 13 use sources of information deemed appropriate, and the  
123 14 department and other agencies of state government shall  
123 15 provide information to the council as requested. The  
123 16 legislative services agency shall provide staff support to the  
123 17 council.

123 18 4. The council shall do all of the following:

123 19 a. Make ~~quarterly~~ cost projections for the medical  
123 20 assistance program and the expansion population.

123 21 b. Review ~~quarterly~~ reports on all initiatives under this  
123 22 chapter, including those provisions in the design,  
123 23 development, and implementation phases, and make additional  
123 24 recommendations for medical assistance program and expansion  
123 25 population reform on an annual basis.

123 26 c. Review annual audited financial statements relating to  
123 27 the expansion population submitted by the providers included  
123 28 in the expansion population provider network.

123 29 d. Review ~~quarterly~~ reports on the success of the Iowa  
123 30 Medicaid enterprise based upon the contractual performance  
123 31 measures for each Iowa Medicaid enterprise partner.

123 32 e. Assure that the expansion population is managed at all  
123 33 times within funding limitations. In assuring such  
123 34 compliance, the council shall assume that supplemental funding  
123 35 will not be available for coverage of services provided to the  
124 1 expansion population.

124 2 Sec. 119. NEW SECTION. 256.35A IOWA AUTISM COUNCIL.

124 3 1. An Iowa autism council is created to act in an advisory  
124 4 capacity to the state in developing and implementing a  
124 5 comprehensive, coordinated system to provide appropriate  
124 6 diagnostic, intervention, and support services for children  
124 7 with autism and to meet the unique needs of adults with  
124 8 autism.

124 9 2. a. The council shall consist of thirteen voting  
124 10 members appointed by the governor and confirmed by the senate.  
124 11 The majority of the voting members shall be individuals with  
124 12 autism or members of their families. Additionally, each of  
124 13 the following shall be represented among the voting members:

124 14 (1) Autism diagnostic and research specialists.

124 15 (2) Individuals with recognized expertise in utilizing  
124 16 best practices for diagnosis, intervention, education, and  
124 17 support services for individuals with autism.

124 18 (3) Individuals providing residential services for  
124 19 individuals with autism.

124 20 (4) Mental health professionals with background or  
124 21 expertise in a pertinent mental health field such as  
124 22 psychiatry, psychology, or behavioral health.

124 23 (5) Private insurers.

124 24 (6) Teachers and representatives of area education  
124 25 agencies.

124 26 b. In addition, representatives of the department of  
124 27 education, the division of vocational rehabilitation of the  
124 28 department of education, the department of public health, the  
124 29 department of human services, the governor's developmental  
124 30 disabilities council, the division of insurance of the  
124 31 department of commerce, and the state board of regents shall  
124 32 serve as ex officio members of the advisory council. Ex  
124 33 officio members shall work together in a collaborative manner  
124 34 to serve as a resource to the advisory council. The council  
124 35 may also form workgroups as necessary to address specific  
125 1 issues within the technical purview of individual members.

125 2 c. Voting members shall serve three-year terms beginning  
125 3 and ending as provided in section 69.19, and appointments

125 4 shall comply with sections 69.16 and 69.16A. Vacancies on the  
125 5 council shall be filled in the same manner as the original  
125 6 appointment. A person appointed to fill a vacancy shall serve  
125 7 only for the unexpired portion of the term. Public members  
125 8 shall receive reimbursement for actual expenses incurred while  
125 9 serving in their official capacity and may also be eligible to  
125 10 receive compensation as provided in section 7E.6.

125 11 d. The council shall elect a chairperson from its voting  
125 12 members annually. A majority of the voting members of the  
125 13 council shall constitute a quorum.

125 14 e. The department shall convene and provide administrative  
125 15 support to the council.

125 16 3. The council shall focus its efforts on addressing the  
125 17 unmet needs of individuals with autism at various levels of  
125 18 severity and their families. The council shall address all of  
125 19 the following:

125 20 a. Early identification by medical professionals of  
125 21 autism, including education and training of health care and  
125 22 mental health care professionals and the use of best practice  
125 23 guidelines.

125 24 b. Appropriate early and intensive early intervention  
125 25 services with access to models of training.

125 26 c. Integration and coordination of the medical community,  
125 27 community educators, childhood educators, health care  
125 28 providers, and community-based services into a seamless  
125 29 support system for individuals and their families.

125 30 d. General and special education support services.

125 31 e. In-home support services for families requiring  
125 32 behavioral and other supports.

125 33 f. Training for educators, parents, siblings, and other  
125 34 family members.

125 35 g. Enhancing of community agency responsiveness to the  
126 1 living, learning, and employment needs of adults with autism  
126 2 and provision of services including but not limited to respite  
126 3 services, crisis intervention, employment assistance, case  
126 4 management, and long-term care options.

126 5 h. Financing options including but not limited to medical  
126 6 assistance waivers and private health insurance coverage.

126 7 i. Data collection.

126 8 4. The council shall meet quarterly. The council shall  
126 9 submit a report to the governor and the general assembly,  
126 10 annually by December 15, identifying the needs and making  
126 11 recommendations for improving and enhancing the lives of  
126 12 individuals with autism and their families.

126 13 5. For the purposes of this section, "autism" means a  
126 14 spectrum disorder that includes at various levels of severity,  
126 15 autism, Asperger's disorder, pervasive developmental disorder  
126 16 not otherwise specified, Rett's syndrome, and childhood  
126 17 disintegrative disorder.

126 18 Sec. 120. Section 514I.6, Code 2007, is amended by adding  
126 19 the following new subsection:

126 20 NEW SUBSECTION. 7. Provide qualified child health plans  
126 21 to eligible children. A participating insurer shall not  
126 22 require participation by a provider in other health insurance  
126 23 products of the participating insurer as a condition of  
126 24 participation in the qualified child health plan.

126 25 Sec. 121. Section 642.2, subsection 4, Code 2007, is  
126 26 amended to read as follows:

126 27 4. Notwithstanding subsections 2, 3, and 6, and 7, any  
126 28 moneys owed to the child support obligor by the state, with  
126 29 the exception of unclaimed property held by the treasurer of  
126 30 state pursuant to chapter 556, and payments owed to the child  
126 31 support obligor through the Iowa public employees' retirement  
126 32 system are subject to garnishment, attachment, execution, or  
126 33 assignment by the child support recovery unit if the child  
126 34 support recovery unit is providing enforcement services  
126 35 pursuant to chapter 252B. Any moneys that are determined  
127 1 payable by the treasurer pursuant to section 556.20,  
127 2 subsection 2, to the child support obligor shall be subject to  
127 3 setoff pursuant to section 8A.504, notwithstanding any  
127 4 administrative rule pertaining to the child support recovery  
127 5 unit limiting the amount of the offset.

127 6 Sec. 122. 2005 Iowa Acts, chapter 167, section 61, is  
127 7 amended by striking the section and inserting in lieu thereof  
127 8 the following:

127 9 SEC. 61. INMATES, STUDENTS, PATIENTS, AND FORMER INMATES  
127 10 OF STATE INSTITUTIONS == REVIEW.

127 11 1. The president of the state board of regents shall  
127 12 convene a workgroup comprised of the president or the  
127 13 president's designee, the director of the department of  
127 14 corrections or the director's designee, the director of the

127 15 department of human services or the director's designee, and a  
127 16 representative of the university of Iowa hospitals and clinics  
127 17 to review the provision of treatment and care to the inmates,  
127 18 students, patients, and former inmates specified in sections  
127 19 263.21 and 263.22. The review shall determine all of the  
127 20 following:

127 21 a. The actual cost to the university of Iowa hospitals and  
127 22 clinics to provide care and treatment to the inmates,  
127 23 students, patients, and former inmates on an annual basis.  
127 24 The actual cost shall be determined utilizing Medicare cost  
127 25 accounting principles.

127 26 b. The number of inmates, students, patients, and former  
127 27 inmates provided treatment at the university of Iowa hospitals  
127 28 and clinics, annually.

127 29 c. The specific types of treatment and care provided to  
127 30 the inmates, students, patients, and former inmates.

127 31 d. The existing sources of revenue that may be available  
127 32 to pay for the costs of providing care and treatment to the  
127 33 inmates, students, patients, and former inmates.

127 34 e. The cost to the department of human services, the Iowa  
127 35 department of corrections, and the state board of regents to  
128 1 provide transportation and staffing relative to provision of  
128 2 care and treatment to the inmates, students, patients, and  
128 3 former inmates at the university of Iowa hospitals and  
128 4 clinics.

128 5 f. The effect of any proposed alternatives for provision  
128 6 of care and treatment for inmates, students, patients, or  
128 7 former inmates, including the proposed completion of the  
128 8 hospital unit at the Iowa state penitentiary at Fort Madison.

128 9 2. The workgroup shall submit a report of its findings to  
128 10 the governor and the general assembly no later than December  
128 11 31, 2008. The report shall also include any recommendations  
128 12 for improvement in the provision of care and treatment to  
128 13 inmates, students, patients, and former inmates, under the  
128 14 control of the department of human services, the Iowa  
128 15 department of corrections, and the state board of regents.

128 16 Sec. 123. MEDICAID STATE PLAN == MARITAL AND FAMILY  
128 17 THERAPISTS AND LICENSED MASTER SOCIAL WORKERS.

128 18 1. The department of human services shall amend the  
128 19 medical assistance state plan to allow marital and family  
128 20 therapists licensed in the state to be participating  
128 21 behavioral health providers under the medical assistance  
128 22 program.

128 23 2. The department of human services shall amend the  
128 24 medical assistance state plan to allow master social workers  
128 25 who hold a master's degree approved by the board of social  
128 26 work, are licensed as a master social worker pursuant to  
128 27 section 154C.3, subsection 1, paragraph "b", and provide  
128 28 treatment services under the supervision of an independent  
128 29 social worker licensed pursuant to section 154C.3, subsection  
128 30 1, paragraph "c", to be participating behavioral health  
128 31 services providers under the medical assistance program.

128 32 DIVISION VIII  
128 33 DOMESTIC VIOLENCE

128 34 Sec. 124. Section 236.2, Code 2007, is amended by adding  
128 35 the following new subsection:

129 1 NEW SUBSECTION. 4A. "Household pet" means pet as defined  
129 2 in section 198.3.

129 3 Sec. 125. Section 236.3, subsection 6, Code 2007, is  
129 4 amended to read as follows:

129 5 6. Name and age of each child under eighteen whose welfare  
129 6 may be affected by the controversy. The petition may also  
129 7 specify household pets which may be affected by the  
129 8 controversy.

129 9 Sec. 126. Section 236.4, subsection 2, Code 2007, is  
129 10 amended to read as follows:

129 11 2. The court may enter any temporary order it deems  
129 12 necessary to protect the plaintiff from domestic abuse prior  
129 13 to the hearing, including temporary custody or visitation  
129 14 orders or temporary orders relating to household pets, upon  
129 15 good cause shown in an ex parte proceeding. Present danger of  
129 16 domestic abuse to the plaintiff constitutes good cause for  
129 17 purposes of this subsection.

129 18 a. The court may award temporary custody of or establish  
129 19 temporary visitation rights with regard to children under  
129 20 eighteen years of age. In awarding temporary custody or  
129 21 temporary visitation rights, the court shall give primary  
129 22 consideration to the safety of the alleged victim and the  
129 23 children. Prior to the entry of any temporary order pursuant  
129 24 to this subsection related to a child=custody determination as  
129 25 defined in section 598B.102, the plaintiff shall comply with

129 26 the provisions of section 598B.209. If the court finds that  
129 27 the safety of the alleged victim will be jeopardized by  
129 28 unsupervised or unrestricted visitation, the court shall set  
129 29 conditions or restrict visitation as to time, place, duration,  
129 30 or supervision, or deny visitation entirely, as needed to  
129 31 guard the safety of the victim and the children. The court  
129 32 shall also determine whether any other existing orders  
129 33 awarding custody or visitation should be modified.

129 34 b. The court may issue a temporary order granting the  
129 35 petitioner the exclusive care, possession, or control of a  
130 1 household pet specified in the petition which may be affected  
130 2 by the controversy. In granting temporary care, possession,  
130 3 or control of a household pet, the court shall give primary  
130 4 consideration to the safety of the alleged victim and the  
130 5 children.

130 6 Sec. 127. Section 236.5, subsection 2, Code 2007, is  
130 7 amended by adding the following new paragraph:

130 8 NEW PARAGRAPH. bb. That the plaintiff or defendant have  
130 9 exclusive care, possession, or control of a household pet  
130 10 affected by the controversy.

130 11 DIVISION IX  
130 12 TUITION ASSISTANCE == HEALTH CARE  
130 13 FACILITY EMPLOYEES

130 14 Sec. 128. TUITION ASSISTANCE FOR INDIVIDUALS SERVING  
130 15 INDIVIDUALS WITH DISABILITIES == PILOT PROGRAM.

130 16 1. If the general assembly appropriates moneys for the  
130 17 establishment of a tuition assistance pilot program for  
130 18 employees of health care facilities serving adults with mental  
130 19 illness or mental retardation, the department of education, in  
130 20 consultation with the department of human services and the  
130 21 community colleges, shall establish a statewide pilot program  
130 22 to provide grants to community colleges for the purpose of  
130 23 awarding tuition assistance to individuals pursuing a course  
130 24 of study leading to a degree applicable to the health care  
130 25 workforce and employment by health care facilities that  
130 26 provide services to adults with mental illness or mental  
130 27 retardation.

130 28 2. Within the limits set by the appropriation for this  
130 29 purpose, the departments of education and human services shall  
130 30 work collaboratively to develop a system for determining the  
130 31 number of hours a student shall work in a health care facility  
130 32 in return for a percentage reduction in the student's tuition  
130 33 costs.

130 34 3. A participating community college shall enter into an  
130 35 agreement with one or more participating health care  
131 1 facilities, and may also enter into an agreement with one or  
131 2 more local nonprofit public agencies, to match state funds  
131 3 provided on a dollar-for-dollar basis for tuition assistance  
131 4 for an eligible student who is employed by a participating  
131 5 health care facility to provide services to adults with mental  
131 6 illness or mental retardation. A participating health care  
131 7 facility shall agree to provide the community college with the  
131 8 number of hours the student has accrued in order that the  
131 9 community college may determine the percentage reduction in  
131 10 the student's tuition costs.

131 11 4. The grant recipient shall compile and submit  
131 12 information regarding the program's implementation and level  
131 13 of local participation in the program in the manner prescribed  
131 14 by the department. The department shall summarize the  
131 15 information and shall submit the information and its findings  
131 16 and recommendations in a report to the general assembly by  
131 17 January 15 of the fiscal year following the completion of the  
131 18 pilot program.

131 19 5. For purposes of this section, unless the context  
131 20 otherwise requires:

131 21 a. "Eligible student" means an individual who is a  
131 22 resident of Iowa, enrolled in a community college pursuing a  
131 23 course of study leading to a degree applicable to the health  
131 24 care workforce, and employed by a participating health care  
131 25 facility to serve adults with mental illness or mental  
131 26 retardation.

131 27 b. "Health care facility" means as defined in section  
131 28 135C.1.

131 29 c. "Participating health care facility" means a health  
131 30 care facility that has entered into an agreement with a  
131 31 community college in accordance with this section and which  
131 32 employs an eligible student.

131 33 DIVISION X  
131 34 JUVENILE COURT PROCEEDINGS

131 35 Sec. 129. Section 232.2, subsection 4, paragraph e, Code  
132 1 Supplement 2007, is amended to read as follows:

132 2 e. The most recent information available regarding the  
132 3 child's health and education records, including the date the  
132 4 records were supplied to the agency or individual who is the  
132 5 child's foster care provider. If the child remains in foster  
132 6 care until the age of majority, the child is entitled to  
132 7 receive prior to discharge the most recent information  
132 8 available regarding the child's health and educational  
132 9 records.

132 10 Sec. 130. Section 232.46, subsection 4, Code 2007, is  
132 11 amended to read as follows:

132 12 4. A consent decree shall remain in force for ~~six months~~  
132 13 up to one year unless the child is sooner discharged by the  
132 14 court or by the juvenile court officer or other agency or  
132 15 person supervising the child. Upon application of a juvenile  
132 16 court officer or other agency or person supervising the child  
132 17 made prior to the expiration of the decree and after notice  
132 18 and hearing, or upon agreement by the parties, a consent  
132 19 decree may be extended for up to an additional six months year  
132 20 by order of the court.

132 21 Sec. 131. Section 232.91, subsection 3, Code Supplement  
132 22 2007, is amended to read as follows:

132 23 3. Any person who is entitled under section 232.88 to  
132 24 receive notice of a hearing concerning a child shall be given  
132 25 the opportunity to be heard in any other review or hearing  
132 26 involving the child. A foster parent, relative, or other  
132 27 individual with whom a child has been placed for preadoptive  
132 28 care shall have the right to be heard in any proceeding  
132 29 involving the child. If a child is of an age appropriate to  
132 30 attend the hearing but the child does not attend, the court  
132 31 shall determine if the child was informed of the child's right  
132 32 to attend the hearing.

#### DIVISION XI

##### INVESTIGATION OF DEATHS AT INSTITUTIONS

132 35 Sec. 132. NEW SECTION. 218.64 INVESTIGATION OF DEATH.

133 1 1. For the purposes of this section, unless the context  
133 2 otherwise requires, "institution" and "resident" mean the same  
133 3 as defined in section 218.13.

133 4 2. Upon the death of a resident of an institution, the  
133 5 county medical examiner shall conduct a preliminary  
133 6 investigation of the death as provided in section 331.802.  
133 7 The cost of the preliminary investigation shall be paid by the  
133 8 department of human services.

133 9 Sec. 133. Section 222.12, Code 2007, is amended to read as  
133 10 follows:

133 11 222.12 DEATHS INVESTIGATED.

133 12 1. ~~In the event of a sudden or mysterious~~ Upon the death  
133 13 of a patient of a resource center or the special unit or any  
133 14 private institution for persons with mental retardation, an, a  
133 15 preliminary investigation of the death shall be held conducted  
133 16 as required by section 218.64 by the county medical examiner  
133 17 as provided in section 331.802. Such a preliminary  
133 18 investigation shall also be conducted in the event of a sudden  
133 19 or mysterious death of a patient in a private institution for  
133 20 persons with mental retardation. The superintendent of a  
133 21 resource center or a special unit or chief administrative  
133 22 officer of any private institution may request an  
133 23 investigation of the death of any patient by the county  
133 24 medical examiner.

133 25 2. Notice of the death of the patient, and the cause  
133 26 ~~thereof of death~~, shall be sent to the county board of  
133 27 supervisors and to the judge of the court ~~having that~~ had  
133 28 jurisdiction over a committed patient. The fact of death with  
133 29 the time, place, and alleged cause shall be entered upon the  
133 30 docket of the court.

133 31 3. The parent, guardian, or other person responsible for  
133 32 the admission of a patient to ~~such institutions~~ a private  
133 33 institution for persons with mental retardation may also  
133 34 request an such a preliminary investigation by the county  
133 35 medical examiner in the event of the death of the patient that  
134 1 is not sudden or mysterious. The person or persons making the  
134 2 request shall be are liable for the expense of such  
134 3 preliminary investigation and payment therefor for the expense  
134 4 may be required in advance. The expense of a county medical  
134 5 examiner's investigation when requested by the superintendent  
134 6 of a state resource center or a special unit shall be paid  
134 7 from support funds of that institution.

134 8 Sec. 134. Section 226.34, Code 2007, is amended to read as  
134 9 follows:

134 10 226.34 INVESTIGATION OF DEATH == NOTICE.

134 11 1. ~~An~~ Upon the death of a patient, the county medical  
134 12 examiner shall conduct a preliminary investigation by the

~~134 13 county medical examiner shall be held in those cases where a~~  
~~134 14 death shall occur suddenly and without apparent cause, or a~~  
~~134 15 patient die and the patient's relatives so request, but in the~~  
~~134 16 latter case the relatives making the request shall be liable~~  
~~134 17 for the expense of the same, and payment therefor may be~~  
~~134 18 required in advance as required by section 218.64, in~~  
~~134 19 accordance with section 331.802.~~

134 20 2. ~~When~~ If a patient in ~~any~~ a mental health institute  
134 21 ~~shall die~~ dies from any cause, the superintendent of ~~said the~~  
134 22 institute shall within three days of the date of death, send  
134 23 by certified mail a written notice of death to all of the  
134 24 following:

134 25 1. ~~a.~~ The decedent's nearest relative.  
134 26 2. ~~b.~~ The clerk of the district court of the county from  
134 27 which the patient was committed, ~~and,~~  
134 28 3. ~~c.~~ The sheriff of the county from which the patient  
134 29 was committed.

134 30 Sec. 135. Section 331.802, subsection 2, Code 2007, is  
134 31 amended to read as follows:

134 32 2. ~~a.~~ If a person's death affects the public interest,  
134 33 the county medical examiner shall conduct a preliminary  
134 34 investigation of the cause and manner of death, prepare a  
134 35 written report of the findings, promptly submit the full  
135 1 report to the state medical examiner on forms prescribed for  
135 2 that purpose, and submit a copy of the report to the county  
135 3 attorney.

135 4 ~~b.~~ For Except as provided in section 218.64 or as  
135 5 otherwise provided by law, for each preliminary investigation  
135 6 and the preparation and submission of the required reports,  
135 7 the county medical examiner shall receive from the county of  
135 8 appointment a fee determined by the board plus the examiner's  
135 9 actual expenses. The fee and expenses paid by the county of  
135 10 appointment shall be reimbursed to the county of appointment  
135 11 by the county of the person's residence. However, if the  
135 12 person's death is caused by a defendant for whom a judgment of  
135 13 conviction and sentence is rendered under section 707.2,  
135 14 707.3, 707.4, 707.5, or 707.6A, the county of the person's  
135 15 residence may recover from the defendant the fee and expenses.

135 16 ~~c.~~ The fee and expenses of the county medical examiner who  
135 17 performs an autopsy or conducts an investigation of a person  
135 18 who dies after being brought into this state for emergency  
135 19 medical treatment by or at the direction of an out-of-state  
135 20 law enforcement officer or public authority shall be paid by  
135 21 the state. A claim for payment shall be filed with the Iowa  
135 22 department of public health. If moneys are not appropriated  
135 23 to the Iowa department of public health for the payment of  
135 24 autopsies under this ~~subsection~~ paragraph, claims for payment  
135 25 shall be forwarded to the state appeal board and, if  
135 26 authorized by the board, shall be paid out of moneys in the  
135 27 general fund of the state not otherwise appropriated.

135 28 Sec. 136. Section 331.802, subsection 3, Code 2007, is  
135 29 amended by adding the following new paragraph:

135 30 NEW PARAGRAPH. k. Death of a person committed or admitted  
135 31 to a state mental health institute, a state resource center,  
135 32 the state training school, or the Iowa juvenile home.

135 33 SF 2425  
135 34 pf/ml/12